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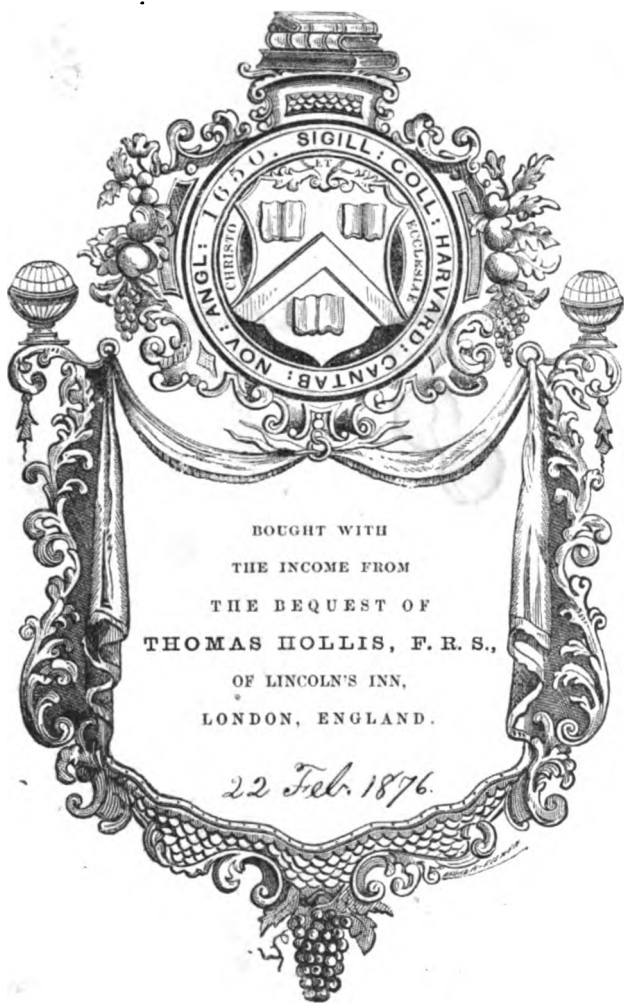
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LIST OF VOLUMES.

1812-1814.....	Vol.	I.	1837-1838.....	Vol.	XX
(In 2 Parts.)			1838-1839.....	"	XX
1814-1815.....	"	II.	1839-1840.....	"	XX
1815-1816.....	"	III.	1840-1841.....	"	XX
1816-1817.....	"	IV.	1841-1842.....	"	XX
1817-1818.....	"	V.	1842-1843.....	"	XX
1818-1819.....	"	VI.	1843-1844.....	"	XX
1819-1820.....	"	VII.	1844-1845.....	"	XX
1820-1821.....	"	VIII.	1845-1846.....	"	XX
1821-1822.....	"	IX.	1846-1847.....	"	XX
1822-1823.....	"	X.	1847-1848.....	"	XX
1823-1824.....	"	XI.	1848-1849.....	"	XX
1824-1825.....	"	XII.	1849-1850.....	"	XX
1825-1826.....	"	XIII.	1849-1850.....	"	XX
1826-1827.....	"	XIV.	1850-1851.....	"	X
1827-1828.....	"	XV.	1851-1852.....	"	X
1828-1829.....	"	XVI.	1852-1853.....	"	X
1829-1830.....	"	XVII.	INDEXES, Chronological and Alphabetical. Vols. I to XLII.	}	X
1830-1831.....	"	XVIII.			
1831-1832.....	"	XIX.	1853-1854.....	"	X
1832-1833.....	"	XX.	1854-1855.....	"	X
CHRONOLOGICAL LIST. Vols. I to XX.	}	XXI.	1855-1856.....	"	X
		XXII.	1856-1857.....	"	X
1833-1834.....	"	XXIII.	1857-1858.....	"	X
1834-1835.....	"	XXIV.	1858-1859.....	"	X
1835-1836.....	"	XXV.	1859-1860.....	"	
1836-1837.....	"				

CONTENTS.

AFRICA (*West Coast*).

	Page
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave Trade</i>	1860... 963

ANHALT-BERNBURG AND ANHALT-DESSAU- CETHEN.

TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China</i> , &c.	
Tien-Tsin, 2nd September, 1861..	1248

ARGENTINE CONFEDERATION.

TREATY of <i>Union</i> with <i>Buenos Ayres</i> . Paraná, 6th June, 1860..	904
--	-----

AUSTRIA.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Affairs of the Duchies of Schleswig and Holstein</i> .	1861..	803
.. .. with <i>The United States</i> , relative to the <i>Civil War in America</i> ; the <i>Non-Recognition of the so-called Confederate States</i> ; <i>Maritime Rights in time of War</i> ; <i>Privateering</i> ; and <i>Neutral Trade</i>	1861..	78
PROTOCOL of <i>Conference</i> between <i>Austria, France, Great Britain, Prussia, Russia, and Turkey</i> , relative to the <i>Administration of the Lebanon</i> .		
Pera, 9th June, 1861..	287	

AUSTRIA—*continued.*

	Page
PROTOCOLS of <i>Conferences</i> between <i>Austria, France, Great Britain, Prussia, Russia, and Turkey</i> , relative to the <i>Armed Intervention of European Powers</i> for the <i>Restoration of Tranquillity in Syria.</i>	
Paris, August, 1860—May, 1861..	278
.. of <i>Meetings</i> between <i>Commissioners of Austria, Great Britain, France, Prussia, Russia, and Turkey</i> , relative to <i>Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861..	293
TREATIES, &c., with FOREIGN POWERS, viz. :— with	
.. <i>Hanover, &c. Treaty. Redemption of the Stade Toll.</i> Hanover, 22nd June, 1861..	27
.. <i>Protocols Do.</i>	
Hanover, 19th, 22nd June, 1861..	32
.. <i>Turkey, &c. Convention. Prolonged Occupation of Syria.</i> Paris, 19th March, 1861..	9

BADEN.

TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China, &c.</i>	
Tein-Tsin, 2nd September, 1861..	1248

BAVARIA.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Affairs of Schleswig and Holstein</i> ..	1861.. 809
TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China, &c.</i>	
Tien-Tsin, 2nd September, 1861..	1248

BELGIUM.

CORRESPONDENCE with <i>The United States</i> , relative to the <i>Civil War in America; the Non-Recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade</i>	1861.. 74
DECLARATION , relative to the <i>Arrest of Seamen Deserters from British Ships in Belgian Ports.</i>	
London, 24th January, 1855..	913

BELGIUM—continued.

	Page
NOTIFICATION prohibiting <i>Privateering</i> .. 25th June, 1861..	78
SPEECH of the King, on the <i>Opening of the Chambers</i> . Brussels, 12th November, 1861..	531
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>France</i> . Treaty. <i>Commerces</i> . Paris, 1st May, 1861..	698
.. <i>Do</i> . Convention. <i>Navigation</i> . Paris, 1st May, 1861..	735
.. <i>Great Britain</i> . The Provisions of the <i>Treaty of Commerce between Belgium and France</i> , of 1st May, 1861, were declared to be applicable to <i>Great Britain</i> by the <i>French Decree</i> of 29th May, 1861 ..	741
.. <i>Hanover</i> , &c. Treaty. <i>Redemption of the Stade Toll</i> .. Hanover, 22nd June, 1861..	27
.. Protocols. <i>Do</i> . Hanover, 19th, 22nd June, 1861..	32
.. <i>Hanover</i> . Convention. <i>Stade Toll</i> . Hanover, 18th February, 1861..	844
.. <i>Mexico</i> . Treaty. <i>Friendship, Commerce, and Navigation</i> .. Mexico, 20th July, 1861..	1148
.. <i>Turkey</i> . Treaty. <i>Commerce and Navigation</i> . Constantinople, 10th October, 1861..	1156

BRAZIL.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave Trade</i> 1860..	964
SPEECH of the Emperor, on the <i>Opening of the Legislative Assembly</i> .. Rio de Janeiro, 12th May, 1860..	1284
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>France</i> . Convention. <i>Consular</i> . .. Rio de Janeiro, 10th December, 1860..	676
.. <i>Hanover</i> , &c. Treaty. <i>Redemption of the Stade Toll</i> . Hanover, 22nd June, 1861..	27
Protocols. <i>Do</i> . Hanover, 19th, 22nd June, 1861..	32

BREMEN.

	Page
ORDINANCE of the <i>Senate</i> , against <i>Privateering</i> .	
Bremen, 2nd July, 1861..	1138
TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China</i> , &c.	
Tien-Tsin, 2nd September, 1861..	1248

BRUNSWICK.

TREATY of <i>Amity, Commerce, and Navigation</i> , with <i>China</i> .	
Tien-Tsin, 2nd September, 1861..	1248

BUENOS AYRES.

TREATY of <i>Union</i> with the <i>Argentine Confederation</i> .	
Paraná, 6th June, 1860..	904

CHILE.

CONVENTION of <i>Extradition</i> with <i>France</i> .	
Santiago, 11th April, 1860..	694
CORRESPONDENCE with <i>The United States</i> , relative to the <i>Civil</i> .	
<i>War in America</i> ; the <i>Non-Recognition</i> of	
the so-called <i>Confederate States</i> ; <i>Maritime</i> .	
<i>Rights</i> in time of <i>War</i> ; <i>Privateering</i> ; and	
<i>Neutral Trade</i> 1861..	131
MESSAGE of the <i>President</i> , on the <i>Opening</i> of the <i>National Con-</i>	
<i>gress</i> Santiago, 1st June, 1859..	538

CHINA.

TREATIES, &c., with FOREIGN POWERS, viz. :—with	
.. <i>France</i> . Treaty. <i>Friendship, Commerce, and Navi-</i>	
<i>gation</i> .. Tien-Tsin, 27th June, 1858..	637
.. Separate Articles. <i>Indemnities, &c.</i>	
Tien-Tsin, 27th June, 1858..	651
.. <i>Tariff of Imports and Exports</i>	654
.. <i>Commercial Regulations</i> .	
Shanghai, 24th November, 1858..	662
.. Additional Convention. <i>Peace, Friendship,</i>	
<i>Indemnities, &c.</i>	
Pekin, 25th October, 1860..	668

CHINA—continued.

Page

TREATIES, &c., with FOREIGN POWERS, continued, viz.:—with	
.. Prussia, &c. Treaty. <i>Friendship, Commerce, and Navigation.</i>	
Tien-Tsin, 2nd September, 1861..	1248
.. Tariff of Imports and Exports ..	1258
.. Commercial Regulations ..	1266

DENMARK.

CORRESPONDENCE with Great Britain, relative to the Affairs of Schleswig and Holstein ..	1861..	809
.. .. with The United States, relative to the Civil War in America; the Non-Recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade ..	.. .. 1861..	102
NOTIFICATION of the King to the Holstein States, respecting the Representations made by them in 1859, on the subject of the Constitution.		
Christiansborg, 2nd March, 1861..		840
ROYAL PATENT convoking the Provincial States for the Duchy of Holstein.		
Christiansborg, 19th February, 1861..		837
TREATY with Hanover, &c., for the Redemption of the State Toll..	Hanover, 22nd June, 1861..	27
.. .. Protocols. Do.		
Hanover, 19th, 22nd June, 1861..		32

EGYPT.

CORRESPONDENCE with Great Britain, relative to the Slave Trade.. 1860..	967
--	--------------	-----

FRANCE.

CORRESPONDENCE with Great Britain, respecting the proposed Assembly of a Congress of the Great Powers of Europe, for the purpose of Settling the Affairs of Italy, and other European Questions October, 1848..	672 —
--	-----------------------	-------

FRANCE—continued.

- CORRESPONDENCE** with *Great Britain*, relative to the *Affairs of Schleswig and Holstein* .. 1861..
- with *Great Britain*, relative to the *Slave Trade* 1860..
- with *The United States*, relative to the *Civil War in America*; the *Non-Recognition of the so-called Confederate States*; *Maritime Rights in time of War*; *Privateering*; and *Neutral Trade* 1861..
- DECLARATION of Neutrality** during the *Civil War in The United States*.. .. Paris, 10th June, 1861.. 1
- DECREES**, promulgating the *Treaty of Friendship, Commerce and Navigation of 27th June, 1858*, and the *Additional Convention of Peace and Friendship of 25th October, 1860*, with *China*.
Paris, 12th January, 1861..
- .. promulgating the *Treaty with Monaco*, of 2nd February, 1861, relative to the *Cession of Mentone and Roquebrune to France*.
Paris, 13th February, 1861..
- .. promulgating the *Consular Convention with Brazil* of 10th December, 1860.
Paris, 17th March, 1861..
- .. for the *Publication of the Declaration of 25th March, 1861*, with *Switzerland*, relative to the *Export of Salt* Paris, 27th March, 1861..
- .. promulgating the *Boundary Convention with Sardinia* of 7th March, 1861 .. Paris, 31st March, 1861..
- .. promulgating the *Extradition Convention with Chile* of 11th April, 1860 .. Paris, 15th May, 1861..
- .. promulgating the *Treaty of Commerce with Belgium* of 1st May, 1861 .. Paris, 27th May, 1861..
- .. promulgating the *Convention of Navigation with Belgium* of 1st May, 1861.. Paris, 27th May, 1861..
- .. declaring the *Provisions of the Treaty of Commerce with Belgium* of 1st May, 1861, to be applicable to *Great Britain* .. Paris, 29th May, 1861..
- .. promulgating the *Treaty of Commerce with Turkey* of 29th April, 1861 .. Vichy, 14th July, 1861..
- PROTOCOL of Conference** between *Austria, France, Great Britain, Prussia, Russia, and Turkey*, relative to the *Administration of the Lebanon*.
Pera, 9th June, 1861..

FRANCE—continued.

	Page
PROTOCOLS of Conferences between <i>Austria, France, Great Britain, Prussia, Russia, and Turkey</i> , relative to the <i>Armed Intervention of European Powers for the Restoration of Tranquillity in Syria.</i>	
Paris, August, 1860—May, 1861..	278
.. of Meetings between Commissioners of <i>Austria, France, Great Britain, Prussia, Russia, and Turkey</i> , relative to <i>Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861..	293
SPEECH of the Emperor, on the <i>Opening of the Legislative Chambers</i> Paris, 4th February, 1861..	1143
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>Belgium.</i> Treaty. <i>Commerce.</i>	
Paris, 1st May, 1861...	698
.. <i>Do.</i> Convention. <i>Navigation.</i>	
Paris, 1st May, 1861...	735
.. <i>Brazil.</i> Convention. <i>Consular.</i>	
Rio de Janeiro, 10th December, 1860..	676
.. <i>Chile.</i> Convention. <i>Extradition.</i>	
Santiago, 11th April, 1860..	694
.. <i>China.</i> Treaty. <i>Friendship, Commerce, and Navigation</i> .. Tien-Tsin, 27th June, 1858..	637
.. .. Separate Articles. <i>Indemnities, &c.</i>	
Tien-Tsin, 27th June, 1858..	651
.. .. Tariff of <i>Imports and Exports.</i>	654
.. .. Commercial Regulations.	
Shanghai, 24th November, 1858..	662
.. <i>Do.</i> Additional Convention. <i>Peace. Friendship. Indemnities, &c.</i>	
Pekin, 25th October, 1860..	668
.. <i>Great Britain.</i> The <i>Provisions of the Treaty of Commerce between France and Belgium of 1st May, 1861, were declared to be Applicable to Great Britain by the French Decree of 29th May, 1861.</i> ..	741
.. <i>Do.</i> Convention. <i>Emigration of Labourers from India to the French Colonies.</i> .. Paris, 1st July, 1861..	35
.. <i>Do.</i> Additional Convention. <i>Postal.</i>	
London, 2nd July, 1861..	49
.. <i>Great Britain and Spain.</i> Convention. <i>Operations against Mexico.</i>	
London, 31st October, 1861..	63

FRANCE—continued.

	Page
TREATIES, &c., with FOREIGN POWERS, continued, viz. :—with	
.. Hanover, &c. Treaty. <i>Redemption of the Stade Toll.</i>	
Hanover, 22nd June, 1861..	27
.. „ Protocols. <i>Do.</i>	
Hanover, 19th, 22nd June, 1861..	32
.. Monaco. Treaty. <i>Cession of Mentone and Roquebrune to France.</i>	
Paris, 2nd February, 1861..	673
.. Sardinia. Convention. <i>Boundaries.</i>	
Turin, 7th March, 1861..	685
.. Switzerland. Declaration. <i>Export of Salt.</i>	
Paris, 25th March, 1861..	683
.. Turkey. Treaty. <i>Commerce.</i>	
Constantinople, 29th April, 1861..	742
.. Turkey, &c. Convention. <i>Prolonged Occupation of Syria</i>	
.. Paris, 19th March, 1861..	9

FRANKFORT.

TREATY of <i>Friendship, Commerce, and Navigation, with China, &c.</i>	
Tien-Tsin, 2nd September, 1861..	1248

GERMANIC CONFEDERATION.

CORRESPONDENCE with <i>Great Britain, relative to the Affairs of Schleswig and Holstein</i>	1861..	809
REPORT to the <i>Diet, relative to the Duchies of Holstein and Lauenburg</i>	.. 17th January, 1861..	816
RESOLUTIONS, &c., of the <i>German Diet, relative to Demands made on the King of Denmark, respecting the Danish Duchies of Schleswig, Holstein, and Lauenburg</i>	.. .. 1858—1861..	799

GREAT BRITAIN.

ACT OF PARLIAMENT, to enable <i>Her Majesty to settle an Annuity on Her Royal Highness The Princess Alice Maud Mary</i>	.. 17th May, 1861..	1139
---	---------------------	------

GREAT BRITAIN—continued.

	Page
ACT OF PARLIAMENT to amend the <i>Law</i> relating to the <i>Copy-right of Designs</i> .. 6th August, 1861..	1140
.. .. to amend the <i>Law</i> in relation to the <i>Wills</i> and <i>Domicile of British Subjects dying whilst resident Abroad</i> , and of <i>Foreign Subjects dying whilst resident within Her Majesty's Dominions.</i>	
	6th August, 1861.. 1141
CORRESPONDENCE with <i>Denmark, &c.</i> , relative to the <i>Affairs of Schleswig and Holstein</i> .. 1861..	809
.. .. with <i>France</i> , respecting the proposed <i>Assembly of a Congress of the Great Powers of Europe</i> , for the purpose of <i>Settling the Affairs of Italy</i> and other <i>European Questions</i> October, 1848..	672 —
.. .. with <i>Greece</i> , relative to the <i>Arrangement</i> concluded at <i>Athens</i> in June, 1860, respecting the <i>Greek Loan</i> ...1859—1861..	1276
.. .. with <i>Mexico</i> , relative to <i>British Claims on Mexico</i> ; the temporary <i>Withdrawal</i> of the <i>British Mission</i> from the <i>City of Mexico</i> to <i>Jalapa</i> ; and the <i>Robbery of Specie</i> belonging to <i>British Bondholders</i> from the <i>House of the British Legation.</i>	
	1860, 1861.. 548
.. .. with <i>Sardinia</i> , relative to the <i>Prosecution</i> , by the <i>Authorities</i> in the <i>Island of Elba</i> , of a <i>British Subject (Mr. G. G. Watson Taylor)</i> for an alleged <i>Act of Sedition</i> ; and to the <i>Plunder</i> of the <i>Island of Monte Cristo</i> , belonging to <i>Mr. Taylor</i> , by <i>Followers of General Garibaldi</i> , in the <i>British Steamer "Orwell."</i>	
	1860, 1861.. 748
.. .. with <i>Saxony</i> , relative to the <i>Arrest</i> by the <i>Saxon Government</i> of an <i>Hungarian Refugee (Count Téleki)</i> ; and his <i>Sur-render</i> to the <i>Austrian Government.</i>	
	1860, 1861.. 270
.. .. with the <i>Two Sicilies</i> , relative to the <i>Renewal of Diplomatic Relations</i> , and the <i>Internal Affairs</i> of the <i>Kingdom of Naples.</i>	
	1859—1860.. 1329

GREAT BRITAIN—*continued.*

Page

CORRESPONDENCE with *The United States*, relative to the *Free Navigation of the River St. John*, under *Article III. of the Treaty of 9th August, 1842* 1844, 1845..

934

.. .. with *The United States*, relating to the *Civil War in the United States*; the proposed *Recognition of the so-called Confederate States*; the *Non-reception by Great Britain of Commissioners from the Southern States*; the *Proceedings of Confederate Agents in Canada*; the *Enlistment in Canada of Men to serve in The United States' Army*; the *arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming)*; the *Pursuit of Deserters from The United States into Canadian Territory*; the *Reception of Confederate Vessels in British Ports*; *Privateering*; the *Blockade of Southern Ports*; the *Neutrality of Great Britain*; the *Non-admission of Armed Vessels or Privateers with Prizes into British Ports*; *Cases of the "Peerless," "Winifred," "Peter Marcy," "Tropic Wind," and "Sumter"* 1860—1862..

173

CORRESPONDENCE relative to the SLAVE TRADE, 1860, viz.:

With Foreign Powers.

	Page		Page
Africa.. .. .	963	Netherlands	965
Brazil.. .. .	964	Portugal	965
Egypt	967	Spain	965
France	964	Tripoli	966
Muscat	965	Turkey	966
United States	967		

NOTIFICATION of the *Sardinian Blockade of Gaeta*.

London, 6th February, 1861..

527

.. .. of the *Raising of the Sardinian Blockade of Gaeta* .. London, 22nd February, 1861..

528

.. .. of the *Sardinian Blockade of the Citadel of Messina and neighbouring Ports*, but not of the *Commercial Port of that City*.
London, 8th March, 1861..

529

.. .. of the *Turkish Blockade of the Coasts of Albania* .. London, 22nd April, 1861..

529

GREAT BRITAIN—*continued.*

	Page
ORDER IN COUNCIL , granting the <i>Privilege of Copyright</i> to <i>Authors of Books and Dramatic Pieces</i> , first <i>Published or Represented in Sardinia</i> . London, 4th February, 1861..	523
.. .. amending the <i>Order</i> of 23rd January, 1860, respecting the <i>Power and Jurisdiction of Her Majesty in Japan</i> . London, 4th February, 1861..	525
.. .. prohibiting the <i>Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone</i> , from the <i>Islands of Jersey, Guernsey, Alderney, Sark, and the Isle of Man</i> . Windsor, 30th November, 1861..	171
.. .. prohibiting the <i>Export of Arms, Ammunition, and Military Stores</i> . Windsor, 4th December, 1861..	172
PROCLAMATION of the <i>Queen</i> , for the <i>Observance of Neutrality</i> in the <i>Contest between The United States and the so-called Confederate States of America</i> .. London, 13th May, 1861..	165
.. .. of the <i>Queen</i> , prohibiting the <i>Export of Gunpowder, Saltpetre, Nitrate of Soda and Brimstone</i> . Windsor, 29th November, 1861..	170
.. .. of the <i>Queen</i> , prohibiting the <i>Export of Arms, Ammunition, and Military Stores</i> . Windsor, 4th December, 1861..	171
PROTOCOL of <i>Conference</i> between <i>Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to the <i>Administration of the Lebanon</i> . Pera, 9th June, 1861..	287
PROTOCOLS of <i>Conferences</i> between <i>Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to the <i>Armed Intervention of European Powers for the Restoration of Tranquillity in Syria</i> . Paris, August, 1860—May, 1861..	278
.. .. of <i>Meetings</i> between <i>Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to <i>Disturbances in Syria</i> . Beyrout, October, 1860.. May, 1861..	293
SPEECH of <i>The Queen</i> , on the <i>Opening of Parliament</i> . Westminster, 5th February, 1861..	1

GREAT BRITAIN—*continued.*

	Page
SPEECH of the <i>Lords Commissioners</i> , on the <i>Closing of Parliament</i> .. Westminster, 6th August, 1861..	3
TREATIES, &c., with FOREIGN POWERS, viz. :—with	
.. <i>France</i> . Convention. <i>Emigration of Labourers from India to the French Colonies.</i>	
Paris, 1st July, 1861..	35
.. <i>Do.</i> Additional Convention. <i>Postal.</i>	
London, 2nd July, 1861..	49
.. <i>France and Spain</i> . Convention. <i>Operations against Mexico.</i>	
London, 31st October, 1861..	63
.. <i>Hanover, &c.</i> Treaty. <i>Redemption of the Stade Toll.</i>	
Hanover, 22nd June, 1861..	27
.. „ Protocols. <i>Do.</i>	
Hanover, 19th, 22nd June, 1861..	32
.. <i>Hesse-Darmstadt</i> . Treaty. <i>Marriage of Princess Alice Maud Mary to Prince Frederick of Hesse.</i>	
London, 14th August, 1861..	52
.. <i>Morocco</i> . Convention. <i>Loan.</i>	
Tangier, 24th October, 1861..	61
.. <i>Turkey</i> . Convention. <i>Telegraph between Malta and Alexandria.</i>	
Constantinople, 21st April, 1861..	5
.. <i>Do.</i> Treaty. <i>Commerce and Navigation.</i>	
Kanlidja, 29th April, 1861..	10
.. <i>Turkey, &c.</i> Convention. <i>Prolonged Occupation of Syria</i> .. Paris, 19th March, 1861..	9

GREECE.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Arrangement</i> concluded at <i>Athens</i> in June, 1860, respecting the <i>Greek Loan</i> .. 1859—1861..	1276
TREATY of <i>Friendship, Commerce, and Navigation</i> with <i>Persia</i> . Constantinople, 1 st / ₂ th October, 1861..	533

GUATEMALA.

MESSAGE of the <i>President</i> , on the <i>Opening of the Chamber of Representatives.</i>	
Guatemala, 25th November, 1860..	1287

HAMBURGH.

CONSTITUTION of the <i>Free and Hanseatic City of Hamburg.</i>	Page
Hamburg, 28th September, 1860..	1164
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Affairs of</i> <i>Schleswig and Holstein</i> ..	1861.. 809
ORDINANCE of the <i>Senate</i> , against <i>Privateering.</i>	
Hamburg, 19th July, 1861..	1139
TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China, &c.</i>	
Tien-Tsin, 2nd September, 1861..	1248

HANOVER.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Affairs of</i> <i>Schleswig and Holstein</i> ..	1861.. 809
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>Belgium.</i> Convention. <i>Stade Toll.</i>	
Hanover, 18th February, 1861..	844
.. <i>China, &c.</i> Treaty. <i>Friendship, Commerce, and</i> <i>Navigation.</i>	
Tien-Tsin, 2nd September, 1861..	1248
.. <i>Great Britain, &c.</i> Treaty. <i>Redemption of the</i> <i>Stade Toll.</i>	
Hanover, 22nd June, 1861..	27
.. „ Protocols. <i>Do.</i>	
Hanover, 19th, 22nd June, 1861...	32
.. <i>United States.</i> Treaty. <i>Abolition of Stade or</i> <i>Brunshausen Toll Dues.</i>	
Berlin, 6th November, 1861..	490

HANSE TOWNS.

TREATY with <i>Hanover, &c.</i> , for the <i>Redemption of the Stade</i> <i>Toll</i>	Hanover, 22nd June, 1861..	27
.. <i>Do.</i> Protocols. <i>Do.</i>		
Hanover, 19th, 22nd June, 1861..		32

HAWAIIAN ISLANDS.

CORRESPONDENCE with <i>The United States</i> , relative to the <i>Civil</i> <i>War in America</i> ; the <i>Non-Recognition of</i> the so-called <i>Confederate States</i> ; <i>Maritime</i> <i>Rights in time of War</i> ; <i>Privateering</i> ; and <i>Neutral Trade</i>	1861..	133
---	--------	-----

HAWAIIAN ISLANDS—*continued.*

	Page
PROCLAMATION of the <i>King</i> , declaring the <i>Neutrality</i> of the <i>Hawaiian Islands</i> in the <i>War</i> between <i>Great Britain, France, and Turkey, and Russia.</i> Honolulu, 16th May, 1854..	933
.. .. of the <i>King</i> , declaring the <i>Neutrality</i> of the <i>Hawaiian Islands</i> in the <i>War</i> between <i>The United States</i> and the so-called <i>Confederate States</i> .. Kialua, 26th August, 1861..	136

HESSE-CASSEL.

TREATY of <i>Friendship, Commerce, and Navigation</i> with <i>China, &c.</i> Tien-Tsin, 2nd September, 1861..	1248
--	------

HESSE-DARMSTADT.

TREATIES, &c., with FOREIGN POWERS, viz.:—with .. <i>China, &c.</i> Treaty. <i>Friendship, Commerce, and Navigation.</i> Tien-Tsin, 2nd September, 1861...	1248
.. <i>Great Britain.</i> Treaty. <i>Marriage of Princess Alice Maud Mary to Prince Frederick of Hesse.</i> London, 14th August, 1861..	52

HONDURAS.

CONTRACT with the <i>North American "Agricultural and Navigation Company,"</i> for the <i>Navigation</i> of the <i>Rivers Aguan, Tinto, and Patook</i> , and for <i>Colonization</i> in the <i>Department of Olancho.</i> Comayagua, 22nd February, 1859..	907
DECREE, promulgating the <i>Contract</i> of 22nd February, 1859, with the <i>North American "Agricultural and Navigation Company,"</i> for the <i>Navigation</i> of the <i>Rivers Aguan, Tinto, and Patook</i> , and for <i>Colonization</i> in the <i>Department of Olancho.</i> Comayagua, 20th February, 1860..	907

ITALY.

Page

CORRESPONDENCE with <i>The United States</i>, relative to the <i>Civil War in America</i> ; the <i>Non-Recognition</i> of the so-called <i>Confederate States</i> ; <i>Maritime Rights</i> in time of <i>War</i> ; <i>Privateering</i> ; and <i>Neutral Trade</i>	.. .. 1861..	103
<i>See also</i> SARDINIA.		

LIPPE.

TREATY of <i>Friendship, Commerce, and Navigation with China</i>, &c.	Tien-Tsin, 2nd September, 1861..	1248
--	----------------------------------	------

LUBECK.

TREATY of <i>Friendship, Commerce, and Navigation with China</i>, &c. . .	Tien-Tsin, 2nd September, 1861..	1248
--	----------------------------------	------

LUXEMBURG.

TREATY of <i>Friendship, Commerce, and Navigation with China</i>, &c. .	Tien-Tsin, 2nd September, 1861..	1248
--	----------------------------------	------

MECKLENBURG-SCHWERIN.

TREATIES, &c., with FOREIGN POWERS, viz. :—with		
.. <i>China</i> , &c. Treaty. <i>Friendship, Commerce, and Navigation.</i>	Tien-Tsin, 2nd September, 1861..	1248
.. <i>Hanover</i> , &c. Treaty. <i>Redemption of the State Toll.</i>	Hanover, 22nd June, 1861..	27
.. .. Protocols. <i>Do.</i>	Hanover, 19th, 22nd June, 1861..	32

MECKLENBURG-STRELITZ.

TREATY of <i>Friendship, Commerce, and Navigation with China</i>, &c.	Tien-Tsin, 2nd September, 1861..	1248
--	----------------------------------	------

MEXICO.

	Page
CORRESPONDENCE with <i>Great Britain</i> , relative to <i>British Claims on Mexico</i> ; the temporary <i>Withdrawal of the British Mission</i> from the <i>City of Mexico to Jalapa</i> ; and the <i>Robbery of Specie</i> belonging to <i>British Bondholders</i> from the <i>House of the British Legation</i> .	
	1860, 1861.. 548
DECREE of the <i>President, ad interim</i> , promulgating the <i>Agreement</i> between <i>Mexico</i> and <i>Yucatan</i> of 14th December, 1843, for the <i>Re-Incorporation of Yucatan</i> with the <i>Mexican Republic</i> .	
	Mexico, 15th December, 1843.. 1271
.. of the <i>President, ad interim</i> , in favour of <i>Religious Liberty</i> , and various <i>Religious Reforms</i> . (<i>Marriages, &c.</i>) .. Vera Cruz, 4th December, 1860..	620
.. of the <i>President, ad interim</i> , relative to the <i>Payment of Claims</i> arising out of the <i>Civil War</i> .	
	Vera Cruz, 17th December, 1860.. 617
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>Belgium</i> . Treaty. <i>Friendship, Commerce, and Navigation</i> .. Mexico, 20th July, 1861..	1148
.. <i>Spain</i> . Treaty. <i>Friendship</i> .	
	Paris, 26th September, 1859.. 926
.. <i>Yucatan</i> . Agreement. <i>Re-Incorporation</i> with <i>Mexico</i> .	
	Mexico, 14th December, 1843.. 1271

MONACO.

TREATY with <i>France</i> , relative to the <i>Cession of Mentone and Roquebrune to France</i> .. Paris, 2nd February, 1861..	673
---	-----

MOROCCO.

TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>Great Britain</i> . Convention. <i>Loan</i> .	
	Tangier, 24th October, 1861.. 61
.. <i>Spain</i> . Treaty. <i>Peace and Amity</i> .	
	Tetuan, 26th April, 1860.. 928 —

MUSCAT.

	Page
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave Trade</i> 1860..	965

NASSAU.

TREATY of <i>Friendship, Commerce, and Navigation with China, &c.</i> Tien-Tsin, 2nd September, 1861..	1248
---	------

NETHERLANDS.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave Trade</i> 1860..	965
.. .. with <i>The United States</i> , relative to the <i>Civil War in America</i> ; the <i>Non-Recognition of the so-called Confederate States</i> ; <i>Maritime Rights in time of War</i> ; <i>Privateering</i> ; and <i>Neutral Trade</i> 1861..	109
.. .. with <i>The United States</i> , relative to the <i>Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter"</i> .. 1861..	137
DECLARATION of <i>Neutrality during the Civil War in The United States.</i> The Hague, 15th June, 1861..	117
.. .. against <i>Privateering.</i> The Hague, 15th June, 1861..	117, 118
SPEECH of the <i>King</i> , on the <i>Opening of the Legislative Assembly.</i> The Hague, 17th September, 1860..	530
TREATY with <i>Hanover, &c.</i> , for the <i>Redemption of the State Toll</i> .. Hanover, 22nd June, 1861..	27
.. .. Protocols. <i>Do.</i> Hanover, 19th, 22nd June, 1861..	32

NEW GRANADA.

	Page
DECREE of the <i>President</i> , granting an exclusive <i>Privilege</i> for Opening a <i>Canal</i> between the <i>Gulf</i> of <i>San Miguel</i> and <i>Caledonia Bay</i> , <i>Isthmus</i> of <i>Darien</i> . Bogotá, 1st June, 1852..	1238
LAW of <i>Congress</i> , authorizing the <i>Executive Power</i> to allow the <i>Exploration</i> of the <i>Isthmuses</i> of <i>Panama</i> and <i>Darien</i> , and to conclude a <i>Contract</i> for the <i>Excavation</i> of a <i>Na- vigable Canal</i> between the <i>Two Oceans</i> . Bogotá, 6th May, 1859..	1109

NICARAGUA.

CONTRACT with the <i>American Atlantic</i> and <i>Pacific Maritime Canal Company</i> (" <i>Central American Transit Com- pany</i> ..") ..	Managua, 2nd April, 1860.. 914
LAW promulgating the <i>Contract</i> with the <i>American Atlantic</i> and <i>Pacific Maritime Company</i> (" <i>Central American Tran- sit Company</i> ..") of 2nd April, 1860. Managua, 12th July, 1861..	914
SPEECH of the <i>President</i> , on the <i>Opening</i> of <i>Congress</i> . Nicaragua, 6th March, 1860..	1291

NORWAY. See SWEDEN.

OLDENBURG.

TREATY of <i>Friendship</i> , <i>Commerce</i> , and <i>Navigation</i> with <i>China</i> , &c. Tien-Tsin, 2nd September, 1861..	1248
---	------

PARAGUAY.

DECLARATION of the <i>Government</i> , respecting its <i>Relations</i> with <i>Foreigners</i> .. Assumption, 20th May, 1845..	1146
DECREE of the <i>President</i> , declaring all <i>Persons</i> who are <i>Born</i> in the <i>Territory</i> of the <i>Republic</i> to be <i>Paraguayan Citizens</i> ..	Assumption, 10th July, 1856.. 1110

PERSIA.

	Page
TREATY of Friendship, Commerce, and Navigation with Greece.	
Constantinople, $\frac{1}{4}$ th October, 1861..	533

PORTUGAL.

CORRESPONDENCE with Great Britain, relative to the Slave Trade	.. .. . 1860..	965
with The United States, relative to the Civil War in America; the Non-Recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade	.. .. . 1861..	121
DECREE against Privateering	.. Lisbon, 29th July, 1861..	130
SPEECH of the King, on the Opening of the Cortes.		
	Lisbon, 20th May, 1861..	1311
.. of the King, on taking the Oath directed by the Constitution	.. .. Lisbon, 22nd December, 1861..	1312
TREATY with Hanover, &c., for the Redemption of the State Tolls	.. Hanover, 22nd June, 1861..	27
.. .. Protocols.	<i>Do.</i>	
	Hanover, 12th, 22nd June, 1861..	32

PRUSSIA.

CORRESPONDENCE with Great Britain, relative to the Affairs of Schleswig and Holstein	.. .. . 1861..	809
.. .. with The United States, relative to the Civil War in America; the Non-Recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade	.. .. . 1861..	65
NOTIFICATION against Privateering	.. Berlin, June, 1861..	70
PROTOCOL of Conference between Austria, France, Great Britain, Prussia, Russia, and Turkey, relative to the Administration of the Lebanon.		
	Pera, 9th June, 1861..	287
PROTOCOLS of Conferences between Austria, France, Great Britain, Prussia, Russia, and Turkey, relative to the Armed Intervention of European Powers for the Restoration of Tranquillity in Syria.		
	Paris, August, 1860—May, 1861..	278

PRUSSIA—*continued.*

	Page
PROTOCOLS of <i>Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey, relative to Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861..	293
SPEECH of the <i>Regent, on the Opening of the Landtag.</i>	
Berlin, 12th January, 1860..	1294
.. of the <i>Regent, on the Closing of the Landtag.</i>	
Berlin, 23rd May, 1860..	1298
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. <i>China, &c. Treaty. Friendship, Commerce, and Navigation.</i>	
Tien-Tsin, 2nd September, 1861..	1248
.. .. <i>Tariff of Imports and Exports</i>	1258
.. .. <i>Commercial Regulations</i>	1266
.. <i>Hanover, &c. Treaty. Redemption of the State Toll.</i>	
Hanover, 22nd June, 1861..	27
.. .. <i>Do</i>	
Hanover, 19th, 22nd June, 1861..	32
.. <i>Turkey, &c. Convention. Prolonged Occupation of Syria</i> ..	
Paris, 19th March, 1861..	9

REUSS-GREITZ, AND REUSS-SCHLEITZ.

TREATY of <i>Friendship, Commerce, and Navigation, with China, &c.</i>	
Tien-Tsin, 2nd September, 1861..	1245

RUSSIA.

CORRESPONDENCE with <i>The United States, relative to the Civil War in America; the Non-Recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade</i>	1861..	98
DECLARATION of <i>Neutrality during the Civil War in The United States</i>	May, 1861..	100
PROTOCOL of <i>Conference between Austria, France, Great Britain, Prussia, Russia, and Turkey, relative to the Administration of the Lebanon.</i>		
Pera, 9th June, 1861..	287	

RUSSIA—continued.

	Page
PROTOCOLS of <i>Conferences</i> between <i>Austria, France, Great Britain, Prussia, Russia, and Turkey</i> , relative to the <i>Armed Intervention of European Powers</i> for the <i>Restoration of Tranquillity in Syria</i> . Paris, August, 1860—May, 1861..	278
.. of <i>Meetings</i> between <i>Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to <i>Disturbances in Syria</i> . Beyrout, October, 1860—May, 1861..	293
TREATIES, &c. , with FOREIGN POWERS , viz. :—with	
.. <i>Hanover, &c.</i> Treaty. <i>Redemption of the State Toll</i> . Hanover, 22nd June, 1861..	27
.. „ Protocols. <i>Do.</i> Hanover, 19th, 22nd June, 1861..	32
.. <i>Turkey, &c.</i> Convention. <i>Prolonged Occupation of Syria</i> .. Paris, 19th March, 1861..	9

SANDWICH ISLANDS. See HAWAIIAN ISLANDS.

SARDINIA.

CONVENTION of <i>Limits</i> with <i>France</i> . . Turin, 7th March, 1861..	685
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Prosecution</i> by the <i>Authorities</i> in the <i>Island of Elba</i> of a <i>British Subject</i> (<i>Mr. G. G. Watson Taylor</i>) for an alleged <i>Act of Sedition</i> ; and to the <i>Plunder</i> of the <i>Island of Monte Christo</i> , belonging to <i>Mr. Taylor</i> , by <i>Followers of General Garibaldi</i> in the <i>British steamer "Orwell"</i> .. 1860, 1861..	748
NOTIFICATION of the <i>Blockade</i> of <i>Gaeta</i> . London, 4th February, 1861..	527
.. .. of the <i>Raising</i> of the <i>Blockade</i> of <i>Gaeta</i> . London, 19th February, 1861..	528
<i>See also ITALY.</i>	

SAXE-ALTENBURG, SAXE-COBURG-GOTHA, SAXE-MEININGEN, AND SAXE-WEIMAR-EISENACH.

TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China, &c.</i> Tien-Tsin, 2nd September, 1861..	1248
---	------

SAXONY.

	Page
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Arrest</i> by the <i>Saxon Government</i> , of an <i>Hungarian</i> <i>Refugee (Count Tékely)</i> ; and his <i>Surrender</i> to the <i>Austrian Government</i> . 1860, 1861..	270
.. .. with <i>Great Britain</i> , relative to the <i>Affairs</i> of <i>Schleswig and Holstein</i> .. 1861..	809
DECREE, for the <i>Publication</i> of the <i>Resolution</i> of the <i>Diet</i> of 18th of August, 1836, for the <i>Extradition</i> of <i>Political Criminals</i> within the <i>Territory</i> of the <i>Germanic Confederation</i> . Dresden, 15th October, 1836..	273
.. for the <i>Publication</i> of the <i>Resolution</i> of the <i>Diet</i> of 26th January, 1854, for the <i>Mutual Extradition</i> of <i>Criminals</i> within the <i>Territory</i> of the <i>Germanic Confederation</i> . Dresden, 27th February, 1854..	274
.. for the <i>Publication</i> of the <i>Agreement</i> with <i>Austria</i> , respecting the extension of the <i>Resolutions</i> of the <i>Diet</i> of 18th August, 1836, and 26th January, 1854, relative to the <i>Extradition</i> of <i>Criminals</i> in the <i>Territory</i> of the <i>Germanic Confederation</i> , to the <i>Dominions</i> of <i>Austria</i> which do not form part of the <i>Confederation</i> Dresden, 10th January, 1855..	276
PROCLAMATION, extending the <i>Resolutions</i> of the <i>Germanic</i> <i>Diet</i> of 18th August, 1836, and 26th January, 1854, relative to the <i>Mutual Extradition</i> of <i>Ordinary Criminals</i> , and the <i>Extradition</i> of <i>Political Criminals</i> , to the <i>Dominions</i> of <i>Austria</i> not forming part of the <i>Germanic</i> <i>Confederation</i> . Dresden, 28th December, 1854..	277
TREATY of <i>Friendship, Commerce, and Navigation</i> with <i>China</i> , &c. Tien-Tsin, 2nd September, 1861..	1248

SCHWARTZBURG-RUDOLSTADT AND SCHWARTZ-
BURG-SONDERSHAUSEN.

TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China</i> , &c. Tien-Tsin, 2nd September, 1861..	1248
---	------

SICILIES.

Page

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Renewal of Diplomatic Relations</i> , and the <i>Internal Affairs of the Kingdom of Naples</i> .	1859, 1860..	1329
DECREES , granting an <i>Amnesty to Political Offenders</i> .	Capodimonte, 16th June, 1859..	1331
.. removing <i>Disabilities for Political Offences</i> .	Capodimonte, 16th June, 1859..	1332
.. commuting the <i>Sentences of Criminals</i> .	Capodimonte, 16th June, 1859..	1332
EDICT , granting permission to <i>Exiles to Return to the Kingdom of Naples</i> ..	Capodimonte, 16th June, 1859..	1336

SOCIETY ISLANDS.

SPEECH of the <i>Queen</i> , on the <i>Opening of the Legislative Assembly</i>	Papeeti, 3rd May, 1860..	1293
---	--------------------------	------

SPAIN.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave Trade</i>	1860..	965
.. .. with <i>The United States</i> , relative to the <i>Civil War in America</i> ; the <i>Non-Recognition of the so-called Confederate States</i> ; <i>Maritime Rights in time of War</i> ; <i>Privateering</i> ; and <i>Neutral Trade</i>	1861..	96
DECREES , regulating the <i>Introduction into, and the Disciplines of Chinese Labourers in, the Island of Cuba</i> .	Madrid, 6th June, 1860..	1038
.. <i>Neutrality during the Civil War in The United States</i> .	Madrid, 7th June, 1861..	97
TREATIES, &c. , with FOREIGN POWERS , viz.:—with		
.. <i>Great Britain and France</i> . Convention. <i>Operations against Mexico</i> .	London, 31st October, 1861..	63
.. <i>Hanover, &c.</i> Treaty. <i>Redemption of the Stade Toll</i> ..	Hanover, 22nd June, 1861..	27
.. Protocols. <i>Do</i> .	Hanover, 19th, 22nd June, 1861..	32

SPAIN—*continued.*

	Page
TREATIES, &c., with FOREIGN POWERS, <i>continued</i> , viz. :—with	
.. <i>Mexico.</i> Treaty. <i>Friendship.</i>	
Paris, 26th September, 1859..	926
.. <i>Morocco.</i> Treaty. <i>Peace and Amity.</i>	
Tetuan, 26th April, 1860..	928

SWEDEN AND NORWAY.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Affairs</i> of <i>Schleswig and Holstein</i> .. 1861..	809
TREATY with <i>Hanover</i> , &c., for the <i>Redemption</i> of the <i>Stade</i> <i>Toll.</i> Hanover, 22nd June, 1861..	27
.. <i>Do.</i> Protocols. <i>Do.</i>	
Hanover, 19th, 22nd June, 1861..	32

SWITZERLAND.

DECLARATION with <i>France</i> , relative to the <i>Export</i> of <i>Salt.</i>	
Paris, 25th March, 1861..	683

TAHITI. See SOCIETY ISLANDS.

THURINGIA.

TREATY of <i>Friendship, Commerce, and Navigation</i> , with <i>China</i> , &c. .. Tien-Tsin, 2nd September, 1861..	1248
--	------

TRIPOLI.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave</i> <i>Trade</i> 1860..	966
--	-----

TURKEY.

CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave</i> <i>Trade</i> 1860..	966
PROTOCOL of <i>Conference</i> between <i>Great Britain, Austria,</i> <i>France, Prussia, Russia, and Turkey</i> , relative to the <i>Administration</i> of the <i>Lebanon.</i>	
Pera, 9th June, 1861..	287

TURKEY—continued.

	Page
PROTOCOLS of <i>Conferences</i> between <i>Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to the <i>Armed Intervention of European Powers</i> for the <i>Restoration of Tranquillity in Syria</i> . Paris, August, 1860—May, 1861..	278
.. of <i>Meetings</i> between the <i>Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey</i> , relative to the <i>Disturbances in Syria</i> . Beyrout, October, 1860—May, 1861..	293
TREATIES , &c., with FOREIGN POWERS , viz.:—with	
.. <i>Belgium</i> . Treaty. <i>Commerce and Navigation</i> . Constantinople, 10th October, 1861, ..	1156
.. <i>France</i> . Treaty. <i>Commerce</i> . Constantinople, 29th April, 1861, ..	742
.. <i>Great Britain</i> . Convention. <i>Telegraph</i> between <i>Malta and Alexandria</i> . Constantinople, 21st April, 1861..	5
.. <i>Do</i> . Treaty. <i>Commerce and Navigation</i> . Kaniidja, 29th April, 1861..	10
.. <i>Great Britain, &c</i> . Convention. <i>Prolonged Occupation of Syria</i> . Paris, 19th March, 1861..	9

UNITED STATES.

ACT of <i>Congress</i> , prohibiting the <i>Slave Trade</i> . 16th June, 1860..	1093
.. .. for the <i>Collection of Duties on Imports</i> , and for other <i>Purposes</i> .. 12th July, 1861..	213
.. .. for the <i>Protection of the Commerce of The United States</i> and <i>Punishment of the Crime of Piracy</i> .. 5th August, 1861..	231
ARTICLES of <i>Confederation of The United States</i> . Philadelphia, 9th July, 1778..	850
CONSTITUTION of <i>The United States</i> .. 17th September, 1787..	858
<i>Amendments to Do</i> . .. 1791—1804..	868
CORRESPONDENCE with <i>Austria, Belgium, Chile, Denmark, France, Hawaiian Islands, Italy, Netherlands, Portugal, Prussia, Russia, and Spain</i> , relative to the <i>Civil War</i> in	

UNITED STATES—continued.

	Page
<i>America ; the Non-Recognition of the so-called Confederate States ; Maritime Rights in time of War ; Privateering ; and Neutral Trade</i> .. 1861..	65
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Free Navigation of the River St. John</i> , under <i>Article III. of the Treaty of 9th August, 1842</i> 1844, 1845..	934
.. .. with <i>Great Britain</i> , relative to the <i>Slave Trade</i> 1860..	967
.. .. with <i>Great Britain</i> , relative to the <i>Civil War in The United States of North America ; the proposed Recognition of the so-called Confederate States ; the Non-Reception by Great Britain of Commissioners from the Southern States ; the Proceedings of Confederate Agents in Canada ; the Enlistment in Canada of Men to Serve in The United States' Army ; the arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming) ; the Pursuit of Deserters from United States into Canadian Territory ; the Reception of Confederate Vessels in British Ports ; Privateering ; the Blockade of Southern Ports ; the Neutrality of Great Britain ; the Non-admission of Armed Vessels or Privateers with Prizes into British Ports ; Cases of the "Peerless," "Winifred," "Peter Marcy," "Tropic Wind," and "Sumter."</i> 1860—1862..	173
.. .. with the <i>Netherlands</i> , relative to the <i>Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter."</i> .. 1861..	137
.. .. with <i>Yucatan</i> , relative to the <i>Independence of Yucatan ; the Neutrality of that State in the War between The United States and Mexico ; and the Offer of Sovereignty of Yucatan to The United States.</i>	
	1847, 1848.. 1184

UNITED STATES—*continued.*

	Page
DECLARATION of Independence of The United States.	
4th July, 1776..	847
MESSAGE of the President, relative to the State of Yucatan.	
Washington, 29th April, 1848..	1225
.. of the President, relative to the Capture of the Slaver "Wildfire," on the Coast of Cuba, by The United States Steamer "Mohawk."	
Washington, 19th May, 1860..	1085
.. of the President, relative to the Capture of the "William" .. Washington, 22nd May, 1860..	1092
.. of the President, on the Opening of Congress.	
Washington, 3rd December, 1861..	1313
PROCLAMATION of the President, calling out the Militia, to sup- press Combinations in certain States of the Union ..	
Washington, 15th April, 1861..	268
.. .. of the President, declaring the Ports of the Con- federates under Blockade.	
19th April, 1861..	185
.. .. of the President, declaring the Blockade of the Ports of Virginia and North Carolina.	
Washington, 27th April, 1861..	269
.. .. of the President, prohibiting Commercial In- tercourse with Seceded States.	
16th August, 1861..	234
TREATIES, &c., with FOREIGN POWERS, viz.:—with	
.. Hanover, &c. Treaty. Redemption of the State Toll.. Hanover, 22nd June, 1861..	27
.. .. Protocols. Do.	
Hanover, 22nd June, 1861..	32
.. Hanover. Treaty. Abolition of State or Bruns- hausen Dues.	
Berlin, 6th November, 1861..	490
TREATIES with NATIONS and TRIBES of INDIANS.	
1860, 1861..	493
FOR ORDINANCES, &c., of Seceded States, see INDEX.	

URUGUAY.

MESSAGE of the President, on the Opening of the Chambers.	
Monte Video, 15th February, 1860..	1300

VENEZUELA.

	Page
MESSAGE of the VICE-PRESIDENT, on the <i>Opening of Congress</i> . Caracas, 12th April, 1860..	1305

WALDECK AND PYRMONT.

TREATY of <i>Friendship, Commerce, and Navigation</i> with <i>China, &c.</i> .. Tien-Tsin, 2nd September, 1861..	1248
---	------

WURTEMBERG.

TREATY of <i>Friendship, Commerce, and Navigation</i> with <i>China, &c.</i> .. Tien-Tsin, 2nd September, 1861..	1248
---	------

YUCATAN.

ADDRESS of Congress to the <i>People</i> , on the issue of the <i>Constitution</i> of 1841 .. Merida, 31st March, 1841..	1111
AGREEMENT with <i>Mexico</i> , for the <i>Re-Incorporation</i> of <i>Yucatan</i> with the <i>Mexican Republic</i> . Mexico, 14th December, 1843..	1271
CONSTITUTION of the <i>State</i> .. Merida, 31st March, 1841..	1113
CORRESPONDENCE with <i>The United States</i> , relative to the <i>Independence</i> of <i>Yucatan</i> ; the <i>Neutrality</i> of that <i>State</i> in the <i>War</i> between <i>The United States</i> and <i>Mexico</i> ; and the <i>Offer</i> of the <i>Sovereignty</i> of <i>Yucatan</i> to <i>The United States</i> . 1847, 1848..	1184
DECREE of the <i>Governor</i> , relative to the <i>Powers</i> of the <i>Government</i> .. Mexicanu, 14th January, 1848..	1218
MESSAGE of the <i>Provisional Governor</i> to the <i>Extraordinary Assembly</i> , on its <i>Installation</i> in the <i>Town</i> of <i>Ticul</i> . Ticul, 24th May, 1847..	1128

ZANZIBAR.

	Page
CORRESPONDENCE with <i>Great Britain</i> , relative to the <i>Slave</i>	
<i>Trade</i> 1860..	965

ZOLLVEREIN.

TREATY of <i>Friendship, Commerce, and Navigation</i> with	
<i>China, &c.</i> .. Tien-Tsin, 2nd September, 1861..	1248



BRITISH AND FOREIGN

State Papers.

SPEECH of the Queen, on the Opening of the British Parliament.—Westminster, February 5, 1861.

My Lords and Gentlemen,

It is with great satisfaction that I meet you again in Parliament, and have recourse to your assistance and advice.

My relations with foreign Powers continue to be friendly and satisfactory; and I trust that the moderation of the Powers of *Europe* will prevent any interruption of the general peace.

Events of great importance are taking place in *Italy*. Believing that the *Italians* ought to be left to settle their own affairs, I have not thought it right to exercise any active interference in those matters. Papers on this subject will be laid before you.

I announced to you, at the close of the last session of Parliament, that the atrocities which had then recently been committed in *Syria* had induced me to concur with the Emperor of *Austria*, the Emperor of the *French*, the Prince Regent of *Prussia*, and the Emperor of *Russia*, in entering into an engagement with the Sultan by which temporary military assistance was to be afforded to the Sultan for the purpose of establishing order in that part of his dominions.

That assistance has been afforded by a body of *French* troops, who have been sent to *Syria* as representing the allied Powers. The Sultan has also placed a considerable military force in *Syria* under the direction of an able officer; and I trust that tranquillity will soon be re-established in that province, and that the objects of the Convention will have been fully attained.

I announced to you also at the close of the last session of Parliament that the pacific overtures which my Envoy in *China* had made to the Imperial Government at *Pekin* having led to no satisfactory result, my naval and military forces, and those of my ally the Emperor of the *French*, were to advance towards the northern provinces of *China* for the purpose of supporting the just demands of the allied Powers, and that the Earl of *Elgin* had been sent to *China* as Special Ambassador to treat with the *Chinese* Government.

I am glad to inform you that the operations of the allied forces have been attended with complete success. After the capture of the forts at the mouth of the *Peiho*, and several engagements with the *Chinese* army, the allied forces became masters of the imperial

city of *Pekin*; and the Earl of *Elgin* and Baron *Gros*, the Ambassador of the Emperor of the *French*, were enabled to obtain an honourable and satisfactory settlement of all the matters in dispute.

Throughout these operations, and the negotiations which followed them, the Commanders and Ambassadors of the allied Powers acted with the most friendly concert. Papers on this subject will be laid before you.

The state of my *Indian* territories is progressively improving, and I trust that their financial condition will gradually partake of the general amendment.

An insurrection of a portion of the natives of *New Zealand* has interrupted the peace of a part of that colony; but I hope that the measures which have been taken will speedily suppress these disturbances, and enable my Government to concert such arrangements as may prevent their recurrence.

Serious differences have arisen among the States of the *North American Union*. It is impossible for me not to look with great concern upon any events which can affect the happiness and welfare of a people nearly allied to my subjects by descent, and closely connected with them by the most intimate and friendly relations. My heartfelt wish is, that these differences may be susceptible of a satisfactory adjustment.

The interest which I take in the well-being of the people of *The United States* cannot but be increased by the kind and cordial reception given by them to the Prince of *Wales* during his recent visit to the continent of *America*.

I am glad to take this opportunity of expressing my warm appreciation of the loyalty and attachment to my person and throne manifested by my *Canadian* and other *North American* subjects on the occasion of the residence of the Prince of *Wales* among them.

I have concluded with the Emperor of the *French* Conventions supplementary to the Treaty of Commerce of 23rd of January, 1860, and in furtherance of the objects of that Treaty.

I have also concluded with the King of *Sardinia* a Convention for the reciprocal protection of copyright.

These Conventions will be laid before you.

Gentlemen of the House of Commons,

I have directed the estimates for the ensuing year to be laid before you. They have been framed with a due regard to economy and to the efficiency of the several branches of the public service.

My Lords and Gentlemen,

Measures will be laid before you for the consolidation of important parts of the criminal law; for the improvement of the law

of bankruptcy and insolvency ; for rendering more easy the transfer of land : for establishing a uniform system of rating in *England* and *Wales* ; and for several other purposes of public usefulness.

I confidently commit the great interests of my Empire to your wisdom and care ; and I fervently pray that the blessing of the Almighty may attend your councils, and may guide your deliberations to the attainment of the object of my constant solicitude—the welfare and happiness of my people.

SPEECH of the Lords Commissioners, on the Closing of the British Parliament.—Westminster, August 6, 1861.

My Lords and Gentlemen,

WE are commanded by Her Majesty to release you from further attendance in Parliament, and at the same time to convey to you Her Majesty's acknowledgments for the zeal and assiduity with which you have applied yourselves to the performance of your duties during the session of Parliament now brought to a close.

Her Majesty commands us to inform you, that her relations with foreign Powers are friendly and satisfactory, and Her Majesty trusts that there is no danger of any disturbance of the peace of *Europe*.

The progress of events in *Italy* has led to the union of the greater part of that Peninsula in one monarchy under King Victor Emmanuel. Her Majesty has, throughout, abstained from any active interference in the transactions which have led to this result, and her earnest wish as to these affairs is, that they may be settled in the manner best suited to the welfare and happiness of the *Italian* people.

The dissensions which arose some months ago in the United States of *North America* have, unfortunately, assumed the character of open war. Her Majesty deeply lamenting this calamitous result, has determined, in common with the other Powers of *Europe*, to preserve a strict neutrality between the contending Parties.

Her Majesty commands us to inform you, that the measures adopted for the restoration of order and tranquillity in *Syria*, in virtue of Conventions between Her Majesty, the Emperor of *Austria*, the Emperor of the *French*, the King of *Prussia*, the Emperor of *Russia*, and the Sultan, having accomplished their purpose, the *European* troops which, in pursuance of those Conventions, were for a time stationed in *Syria*, to co-operate with the troops and authorities of the Sultan, have been withdrawn ; and Her Majesty trusts that

the arrangements which have been made for the administration of the districts which had been disturbed will henceforth secure their internal tranquillity.

Her Majesty has seen with satisfaction the rapid improvement in the internal condition of her *East Indian* territories, and the progress which has been made towards equalizing the revenue and expenditure of that part of her Empire.

Gentlemen of the House of Commons,

Her Majesty commands us to convey to you her warm acknowledgments for the liberal supplies which you have granted for the service of the present year; and Her Majesty has seen with satisfaction that, after amply providing for the wants of the public service, you have been able to make a sensible diminution in the taxes levied upon her people.

My Lords and Gentlemen,

Her Majesty commands us to express to you the deep gratification with which she has witnessed the spirit of devoted patriotism which continues to animate her volunteer forces, and the admiration with which she has observed their rapid progress in discipline and military efficiency.

Her Majesty has given her cordial assent to the Act for completing the number of the Members of the House of Commons by allotting the forfeited seats of *Sudbury* and *Saint Alban's*.

Her Majesty trusts that the Act for improving the laws relating to bankruptcy and insolvency will be productive of important advantage to the trade and commerce of her subjects.

Her Majesty has given her ready assent to Acts for consolidating and assimilating the criminal law of *England* and *Ireland*, and for promoting the revision of the Statute Law.

Her Majesty has given her assent to important Acts which she trusts will have the effect of opening more largely employment in the public service to the *European* and native inhabitants of *India*, of improving the means of legislation, of furthering, the ends of justice, and of promoting the contentment and well-being of all classes of Her Majesty's *Indian* subjects.

Her Majesty has assented with pleasure to the Act for the improvement of harbours on the coast of the United Kingdom, and for relieving merchant shipping from passing tolls, and also to the Act for improving the administration of the law relating to the relief and the removal of the poor.

Her Majesty trusts that the Act for rendering more easy arrangements connected with the drainage of land will assist agricultural improvements in many parts of the United Kingdom.

Her Majesty has gladly given her assent to many other measures

of public usefulness, the results of your labours during the session now brought to its close.

Her Majesty has observed, with heartfelt satisfaction, the spirit of loyalty, of order, and of obedience to the law, which prevails throughout all her dominions ; and she trusts that by wise legislation, and a just administration of the law, the continuance of this happy state of things will be secured.

On returning to your respective counties you will still have important public duties to perform ; and Her Majesty fervently prays that the blessing of Almighty God may attend your exertions, and may guide them to the attainment of the objects of Her Majesty's constant solicitude—the welfare and happiness of her people.

CONVENTION between Great Britain and Turkey, for the establishment of a Telegraphic Cable between Malta and Alexandria.—Signed at Constantinople, April 21, 1861.

[Ratifications exchanged at Constantinople, June 11, 1861.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland being desirous, with a view to accelerate communication with India, to establish a submarine telegraphic cable from Malta to Alexandria, His Imperial Majesty the Sultan, in order to afford a fresh proof of his friendship for Her Britannic Majesty, has consented to afford her the necessary facilities for that purpose, so far as regards the Ottoman territory. Their Majesties have accordingly resolved to record the needful arrangements in a Convention, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honour-

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande étant désireuse, dans le but d'accélérer la communication avec les Indes, d'établir un câble télégraphique sousmarin entre Malte et Alexandrie, Sa Majesté Impériale le Sultan, afin de fournir une nouvelle preuve de son amitié pour Sa Majesté Britannique, a consenti à lui donner les facilités nécessaires à cet effet, en autant que cela regarde le territoire Ottoman. Leurs Majestés ont, par conséquent, résolu de consigner les arrangements requis dans une Convention, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande, le Très Honorable

able Sir Henry Lytton Bulwer, a member of Her Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Sublime Porte;

And His Majesty the Emperor of the Ottomans, His Highness Mehemed Emin Aali Pasha, President of the Council of the Tanzimat, and acting Minister for Foreign Affairs, decorated with the Orders of the Medjidie and Merit, of the first class, Grand Cross of the Imperial Order of the Legion of Honour, of St. Stephen of Austria, of the Red Eagle of Prussia, of St. Anne of Russia, of St. Maurice and Lazarus of Sardinia, of the Polar Star of Sweden, and several other foreign orders;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. It being the intention of Her Britannic Majesty to establish a telegraphic cable from Malta to Alexandria, His Imperial Majesty the Sultan consents that such cable may be landed near Alexandria, and may there be placed in connection with the other telegraphic lines terminating at that city.

His Imperial Majesty also consents that the said telegraphic cable may be landed at such points of the coast of Africa, within the Regency of Tripoli, as

Sir Henry Lytton Bulwer, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Grand-Croix du Très Honorable Ordre du Bain, Son Ambassadeur Extraordinaire et Plénipotentiaire près la Sublime Porte, &c.;

Et Sa Majesté Impériale le Sultan, Mouhammed Emin Aali Pacha, Président du Haut Conseil du Tanzimat, et Ministre des Affaires Etrangères *ad interim*, décoré de l'Ordre Impérial du Medjidié de la première classe, et Grand-Croix de plusieurs Ordres Etrangers, &c.

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:

I. Etant l'intention de Sa Majesté Britannique d'établir un câble télégraphique de Malte à Alexandrie, Sa Majesté Impériale le Sultan consent à ce que ce câble puisse prendre terre près d'Alexandrie, et y être mis en communication avec d'autres lignes télégraphiques qui aboutissent à cette ville.

Sa Majesté Impériale consent également à ce que le susdit câble télégraphique puisse prendre terre à tels points de la côte d'Afrique, dans la Régence

may be found necessary.

II. The British Government may establish stations at Alexandria and at all other points where the said cable may be landed, and may maintain such stations and work the said cable.

III. The British Government shall have power to appoint, to pay, and to discharge, at its pleasure, all the officers or persons necessary for the establishment, maintenance, and working of the aforesaid cable at Alexandria and all other places where the cable may be landed within the Ottoman territory, as well as of the stations at these places.

IV. The aforesaid telegraphic cable and stations, at the points where the cable touches the land, shall be watched over and protected by the Ottoman Government wherever it may have an authorized agent, without, however, any responsibility therefrom attaching to the Sublime Porte.

V. The persons employed at the stations which may be established within the Ottoman territory by means of the present Convention, shall be under the protection of Great Britain; and any proceeding, civil or criminal, instituted against them shall be governed by the rules established for British subjects in like cases.

VI. Any message addressed to a person residing within the Ottoman territory, not being an officer of the line, shall, unless

de Tripoli, qui seront trouvés nécessaires.

II. Le Gouvernement Britannique pourra établir des stations à Alexandrie et à tous les autres points où le dit cable pourra prendre terre, et pourra maintenir ces stations et exploiter le dit cable.

III. Le Gouvernement Britannique aura la faculté de nommer, de payer, et de congédier à leur volonté, tous les officiers ou personnes nécessaires à l'établissement, à l'entretien, et à l'exploitation du susdit cable à Alexandrie et aux autres points où le cable prendra terre dans le territoire Ottoman, ainsi que des stations de ces points.

IV. Le susdit cable télégraphique et les stations, aux points où le cable prend terre, seront surveillées et protégées par le Gouvernement Ottoman partout où il aura un agent d'autorité, sans, cependant, qu'il puisse en résulter aucune responsabilité pour la Sublime Porte.

V. Les personnes employées aux stations qui pourraient être établies dans le territoire Ottoman au moyen de la présente Convention, seront sous la protection de la Grande Bretagne; et tout procès, civil ou criminel, institué contre eux sera régi par les règles établies pour les sujets Britanniques en pareils cas.

VI. Tout message adressé à une personne résidant dans le territoire Ottoman qui ne serait pas un officier de la ligne, sera, à

intended merely for transmission through and beyond the Ottoman territory, be delivered to such person only through an Agent of the local Government.

VII. Her Britannic Majesty engages that all despatches of the Ottoman Government shall have like priority with those of the British Government over all other despatches forwarded over this line.

The official despatches of the Ottoman Government may be sent in cypher.

VIII. In the event of Her Britannic Majesty making over to a company the establishment or the working of the aforesaid telegraphic cable, His Imperial Majesty the Sultan engages to grant a firman for 85 years to such Company, on the same conditions as are prescribed by the present Convention.

In such case the Company, in all that concerns the stations within the Ottoman territory, shall, in their corporate capacity, be subject to the general laws of the Ottoman Empire; but the persons in the employ of the Company shall, individually, be under the protection of the nation to which they may appertain.

IX. The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople in two calendar months, or sooner, if possible,

moins qu'il ne soit destiné simplement à être transmis à travers et au delà du territoire Ottoman, remis à cette personne seulement par l'intermédiaire d'un Agent du Gouvernement local.

VII. Sa Majesté Britannique s'engage à ce que toutes les dépêches du Gouvernement Ottoman aient la même priorité que celles du Gouvernement Britannique sur toutes les autres dépêches envoyées par cette même ligne.

Les dépêches officielles du Gouvernement Ottoman peuvent être envoyées en chiffres.

VIII. Dans le cas où Sa Majesté Britannique aura cédé à la Compagnie l'établissement ou l'exploitation du susdit câble télégraphique, Sa Majesté Impériale le Sultan s'engage à accorder un firman pour 85 ans à cette Compagnie, aux mêmes conditions qui sont prescrites par la présente Convention.

Dans ce cas la Compagnie, en tout ce qui concerne les stations dans le territoire Ottoman, sera, comme corporation, assujettie aux lois générales de l'Empire Ottoman; mais les personnes dans l'emploi de la Compagnie seront individuellement sous la protection de la nation à laquelle ils appartiennent.

IX. La présente Convention sera ratifiée dans l'espace de deux mois, et les ratifications respectives en seront échangées à Constantinople.

En foi de quoi les Plénipoten-

and shall be carried into execution from the date of the exchange of the ratifications.

Done at Constantinople, on the 21st day of April, 1861.

(L.S.) HENRY L. BULWER.

(L.S.) AALI.

tiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le 21 Avril, 1861.

(L.S.) HENRY L. BULWER.

(L.S.) AALI.

CONVENTION between Great Britain, Austria, France, Prussia, Russia, and Turkey, prolonging the Occupation of Syria to June 5, 1861.—Signed at Paris, March 19, 1861.

[Ratifications exchanged at Paris, May 18, 1861.]

LEURS Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, l'Empereur de Toutes les Russies, et l'Empereur des Ottomans, après les explications échangées entre leurs Gouvernements respectifs, s'étant entendus pour modifier, d'un commun accord, la Convention conclue entre eux le 5 Septembre dernier,* ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Richard Charles Comte Cowley, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français, &c. ;

Sa Majesté l'Empereur d'Autriche, M. Richard Prince de Metternich-Winneburg, son Ambassadeur Extraordinaire près Sa Majesté l'Empereur des Français, &c. ;

Sa Majesté l'Empereur des Français, M. Edouard Antoine Thouvenel, son Ministre Secrétaire d'Etat au Département des Affaires Etrangères, &c. ;

Sa Majesté le Roi de Prusse, M. Albert Alexandre Comte de Pourtalès, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français, &c. ;

Sa Majesté l'Empereur de Toutes les Russies, M. Paul Comte de Kisséleff, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français, &c. ;

Et Sa Majesté l'Empereur des Ottomans, Ahmed Vefyk Efendi, son Ambassadeur Extraordinaire près Sa Majesté l'Empereur des Français, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. La durée de l'occupation Européenne en Syrie sera prolongée jusqu'au 5 Juin de la présente année, époque à laquelle il est entendu entre les Hautes Parties Contractantes qu'elle aura atteint son terme, et que l'évacuation aura été effectuée.

II. Les stipulations contenues dans l'Article II de la Convention du 5 Septembre, 1860, en tant qu'elles n'ont point encore été exécutées, ou qu'elles ne sont pas modifiées par la présente Convention, demeureront en vigueur pendant la période qui s'écoulera entre la date de la signature de cet Acte, et le 5 Juin de l'année courante.

III. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de 5 semaines, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Paris, le 19 Mars, 1861.

(L.S.) COWLEY.
 (L.S.) METTERNICH.
 (L.S.) THOUVENEL.
 (L.S.) A. POURTALES.
 (L.S.) KISSELEFF.
 (L.S.) AHMED VEFYK.

TREATY of Commerce and Navigation between Great Britain and Turkey.—Signed at Kanlidja, April 29, 1861.

[Ratifications exchanged at Constantinople, July 9, 1861.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part, and His Majesty the Emperor of the Ottomans, on the other part, being equally animated by the desire of extending the commercial relations between their respective dominions, have agreed, for this purpose, to conclude a Treaty of Commerce and

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, d'une part, et Sa Majesté l'Empereur des Ottomans, de l'autre part, étant également animés du désir d'étendre les relations commerciales entre leurs états respectifs, sont convenus à cet effet de conclure un Traité de Commerce et de Navigation, et ont nommé pour leurs

Navigation, and have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Sublime Porte ;

And His Majesty the Emperor of the Ottomans, His Highness Mehemed Emin Aali Pasha, President of the Council of the Tanzimat, and Acting Minister for Foreign Affairs, decorated with the Orders of the Medjidie and Merit of the first class, Grand Cross of the Imperial Order of the Legion of Honour, of Saint Stephen of Austria, of the Red Eagle of Prussia, of Saint Alexander Newsky of Russia, and several other foreign orders ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

ART. I. All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing Capitulations and Treaties, are confirmed now and for ever, with the exception of those clauses of the said Capitulations which it is the object of the present Treaty to modify ; and

Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Sir Henry Lytton Bulwer, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Chevalier Grand Croix du Très Honorable Ordre du Bain, et Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique près la Sublime Porte ;

Sa Majesté l'Empereur des Ottomans, Son Altesse Mouhammed Emin Aali Pacha, Président du Conseil du Tanzimat, et Ministre *ad interim* des Affaires Etrangères, décoré de l'Ordre du Medjidie et du Mérite de première classe, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, de Saint Etienne d'Autriche, de l'Aigle Rouge de Prusse, de Saint Alexandre Newski de Russie, et de plusieurs autres Ordres étrangers ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Tous les droits, privilèges, et immunités qui ont été conférés aux sujets ou aux bâtimens de la Grande Bretagne par les Capitulations et les Traités existants, sont confirmés maintenant et pour toujours, à l'exception des clauses des dites Capitulations que le présent Traité a pour objet de modifier, et il est

it is moreover expressly stipulated, that all rights, privileges, or immunities which the Sublime Porte now grants or may hereafter grant to, or suffer to be enjoyed by, the subjects, ships, commerce, or navigation of any other foreign Power, shall be equally granted to, and exercised and enjoyed by, the subjects, ships, commerce, and navigation of Great Britain.

II. The subjects of Her Britannic Majesty, or their agents, shall be permitted to purchase, at all places in the Ottoman dominions and possessions (whether for the purposes of internal trade or of exportation) all articles, without any exception whatsoever, the produce or manufacture of the said dominions and possessions; and the Sublime Porte having, in virtue of Article II of the Convention of Commerce of the 16th of August, 1838,* formally engaged to abolish all monopolies of agricultural produce or of any other articles whatsoever, as well as all permits (*teskérés*) from the local Governors, either for the purchase of any article, or for its removal from one place to another, when purchased, any attempt to compel the subjects of Her Britannic Majesty to receive such permits from the local Governors shall be considered as an infraction of Treaties, and the Sublime Porte shall immediately punish with severity any Viziers or other officers who shall have been

en outre expressément stipulé que tous les droits, privilèges, ou immunités que la Sublime Porte accorde à présent, ou pourra accorder à l'avenir, aux sujets, bâtimens, commerce, ou navigation de toute autre Puissance étrangère, ou dont elle pourra tolérer la jouissance, seront également accordés, et l'exercice et la jouissance en seront laissés aux sujets, bâtimens, commerce, et navigation de la Grande Bretagne.

II. Il sera permis aux sujets de Sa Majesté Britannique, ou à leurs ayant-cause, d'acheter dans toutes les parties de l'Empire et des possessions Ottomanes (soit pour en faire le commerce à l'intérieur, soit pour les exporter) tous les articles, sans exception quelconque, provenant du sol ou de l'industrie du dit Empire et des dites possessions; et la Sublime Porte, en vertu de l'Article II. de la Convention Commerciale du 16 Août, 1838,* s'étant engagée formellement à abolir tous les monopoles sur les produits de l'agriculture ou tout autre article quelconque, ainsi que les permis (*teskérés*) émanant des Gouverneurs locaux pour autoriser l'achat d'un article ou son transport d'un lieu à un autre après l'acquisition, toute tentative ayant pour but de contraindre les sujets de Sa Majesté Britannique à recevoir d'un Gouverneur local ces sortes de permis sera considéré comme une infraction aux Traités, et la Sublime Porte punira immédiatement avec sévérité tout Vizir ou

* Vol. XXVI. Page 688.

guilty of such misconduct, and shall render full justice to British subjects for all injuries or losses which they may duly prove themselves to have suffered thereby.

III. If any article of Turkish produce or manufacture be purchased by British merchants or their agents, for the purpose of selling the same for internal consumption in Turkey, the said British merchants or their agents shall pay, at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favoured class of Ottoman subjects, or of foreigners engaged in the internal trade of Turkey.

IV. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country ; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

autre fonctionnaire qui se sera rendu coupable de cette infraction, et rendra pleine justice aux sujets de la Grande Bretagne pour tout préjudice ou toute perte qu'ils pourront dûment prouver avoir subi pour cette cause.

III. Les marchands Anglais ou leurs ayant-cause qui achèteront un produit quelconque du sol ou de l'industrie Turque dans le but de le revendre pour la consommation dans l'intérieur de la Turquie, paieront, lors de l'achat et de la vente de cet objet, et pour toute espèce d'opération commerciale y relative, les mêmes droits qui sont payés dans les circonstances analogues par les plus favorisés parmi les sujets Ottomans ou étrangers, engagés dans le commerce intérieur en Turquie.

IV. Aucun droit, aucune charge imposée dans le territoire ou les possessions de l'une des Parties Contractantes sur l'exportation d'un article quelconque destiné à être importé dans le territoire ou les possessions de l'autre partie, ne seront autres ni plus élevés que ce qui est ou peut être payable sur l'exportation de ce même article destiné à être importé dans tout autre pays : et il n'y aura de prohibition frappant l'exportation d'un article quelconque du territoire ou des possessions de l'une des deux Parties Contractantes, et destiné à être importé dans le territoire ou les possessions de l'autre partie, qu'autant que cette prohibition s'étendrait également

No charge or duty whatsoever will be demanded on any article of Turkish produce or manufacture purchased by British subjects or their agents, either at the place where such article is purchased, or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding 8 per cent. calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands, within any part of the Ottoman dominions.

It is furthermore agreed that the duty of 8 per cent. above mentioned will be annually reduced by 1 per cent., until it shall be in this manner finally reduced to a fixed duty of 1 per cent. *ad valorem*, destined to cover the general expenses of administration and control.

V. No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty, of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land, and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Imperial Majesty, of any

sur l'exportation de ce même article à tout autre pays.

Aucune charge, aucun droit quelconque ne sera exigé sur un article de production ou de fabrication Turque, acheté par des sujets Britanniques ou leurs ayant-cause, soit à l'endroit où cet article aura été acheté, soit lors de son transport de cet endroit à l'endroit d'où il sera exporté, et où il sera assujetti à un droit d'exportation qui n'excédera par 8 pour cent calculé sur la valeur à l'échelle, et payable au moment d'être exporté; et tout article qui aura acquitté ce droit ne sera point assujetti de nouveau à ce même droit, dans aucune autre partie des Etats Ottomans, quand même il aurait changé de mains.

Il est en outre convenu que le droit précité de 8 pour cent sera réduit chaque année de 1 pour cent jusqu'à ce qu'il soit de la sorte définitivement réduit à une taxe fixe de 1 pour cent (*ad valorem*), destinée à couvrir les frais généraux d'administration et de surveillance.

V. Aucun droit imposé sur l'importation dans les états et possessions de Sa Majesté Britannique d'un article quelconque produit du sol ou de l'industrie de l'Empire et des possessions de Sa Majesté Impériale le Sultan (de quelque lieu qu'il arrive, que ce soit par terre ou par mer), et aucun droit imposé sur l'importation dans les états et possessions de Sa Majesté Impériale d'un article quelconque produit du sol ou de l'industrie des états

article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving; and that the duties to be imposed on any article the produce or manufacture of the dominions or possessions of Her Britannic Majesty imported into the dominions or possessions of His Imperial Majesty, shall in no case exceed one fixed rate of 8 per cent. *ad valorem*, or a specific duty, fixed by common assent, equivalent thereto.

Such rate shall be calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, at the first Custom-House they may reach, if brought by land.

et possessions de Sa Majesté Britannique (de quelque lieu qu'il arrive), ne sera autre ou plus élevé que ce qui est ou peut-être payable sur le même article produit du sol ou de l'industrie de tout autre pays. De plus, aucune prohibition ne sera ni maintenue ni imposée sur un article quelconque produit du sol ou de l'industrie des états et possessions de l'une des Parties Contractantes, lors de son importation dans les états ou possessions de l'autre, si la dite prohibition ne s'étend pas à l'article en question, quand il est produit du sol ou de l'industrie de tout pays.

Sa Majesté Impériale s'engage en outre, sauf les exceptions ci-après, à ne pas prohiber l'importation dans ses états et possessions d'aucun article produit du sol ou de l'industrie des états ou possessions de Sa Majesté Britannique, de quelque lieu qu'il arrive; et à ce que les droits à percevoir sur les produits du sol ou de l'industrie des états et possessions de Sa Majesté Britannique importés dans les états et possessions de Sa Majesté Impériale n'excèdent en aucun cas un taux fixe de 8 pour cent (*ad valorem*), ou une tarification équivalente fixée de commun accord.

Ce taux sera calculé sur la valeur des articles à l'échelle, et payable au moment de leur débarquement s'ils arrivent par mer, ou à la première Douane, s'ils arrivent par terre.

If these articles, after having paid the import duty of 8 per cent., are sold either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in Turkey, but should be re-exported within the space of 6 months, the same shall be considered as merchandize in transit by land, and be treated as is stated in Article XII; the administration of the Customs being bound to restore at the time of their re-exportation to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of 8 per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the Article above cited.

VI. It is understood that any Article the produce or manufacture of a foreign country, intended for importation into the united Principalities of Moldo-Wallachia, or into the Principality of Servia, which shall pass through any other part of the Ottoman dominions, will not be liable to the payment of Customs duty until it reaches those Principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those Principalities, but destined for some other part of the Ottoman dominions, will not be liable to the payment of Customs duty until such article

Si ces articles, après avoir payé le droit d'importation de 8 pour cent, sont vendus, soit au lieu où ils arrivent, soit dans l'intérieur du pays, ni l'acheteur ni le vendeur ne pourront être ensuite soumis à aucun autre droit relativement à ces objets; et si ces articles ne doivent pas être vendus pour la consommation en Turquie, mais qu'ils doivent être exportés de nouveau dans le délai de 6 mois, ils seront considérés comme marchandises de transit par terre et traités comme il est dit dans Article XII, l'administration des Douanes étant alors tenue de restituer au moment de leur ré-exportation, au négociant (qui sera requis de fournir la preuve que le droit d'importation de 8 pour cent a été acquitté), la différence entre ce droit et le droit de transit spécifié dans l'Article précité.

VI. Il est entendu que les articles d'importation étrangère destinés aux Principautés Unies de Moldo-Valachie et à celle de Servie, et traversant les autres parties de l'Empire Ottoman, n'acquitteront les droits de Douane qu'à leur arrivée dans ces Principautés; et réciproquement, que les marchandises d'importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau des Douanes administrées directement par le Sublime Porte.

reaches the first Custom-House under the direct administration of the Sublime Porte.

The same course shall be followed with respect to any article the produce or manufacture of those Principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman dominions, intended for exportation; such articles will be liable to the payment of Customs duties, the former to the Custom-House of the aforesaid Principalities, and the latter to the Ottoman Custom-House, the object being that neither import nor export duties shall in any case be payable more than once.

VII. The subjects of one of the Contracting Parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

VIII. All articles which are or may be legally importable into the dominions and possessions of Her Britannic Majesty, in British vessels, may likewise be imported in Ottoman vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in British vessels; and reciprocally, all articles which are or may be legally importable into the dominions and possessions of His Imperial Majesty the Sultan in [1860-61. Lr.]

Il en aura de même pour les produits du sol ou de l'industrie de ces Principautés, aussi bien que pour ceux du reste de l'Empire Ottoman, destinées à l'exportation dans les pays étrangers, qui devront payer les droits de Douane les premiers entre les mains de l'administration Douanière de ces Principautés, et les derniers au fisc Ottoman, de telle sorte que les droits d'importation et d'exportation ne pourront en tous les cas être perçus qu'une fois.

VII. Les sujets de chacune des Parties Contractantes seront traités dans les états et possessions de l'autre sur le même pied que les sujets indigènes, relativement aux droits d'emmagasiner, ainsi qu'à l'égard des primes, facilités, et remboursement de droits.

VIII. Tout article étant ou pouvant être légalement importable dans les états et possessions de Sa Majesté Britannique sur des bâtiments Anglais, peut de même être importé sur des bâtiments Turcs, sans être soumis à aucun droit ni charge (quelle qu'en soit la dénomination) autre ou plus élevé que si cet article était importé sur un bâtiment Anglais; et réciproquement, tout article étant ou pouvant être légalement importable dans les états et possessions de Sa Majesté

Ottoman vessels, may likewise be imported in British vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, whether such exportation shall take place in Ottoman or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

IX. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall

Impériale le Sultan sur des bâtiments Turcs, pourra de même être importé sur des bâtiments Anglais, sans être soumis à aucun droit ou charge (quelle qu'en soit la dénomination) autre au plus élevé que s'il était importé sur des bâtiments Turcs. Cette mesure réciproque sera appliquée également et sans distinction, soit aux articles arrivant directement du lieu de leur origine, soit à ceux arrivant de tout autre pays étranger.

De même, il y aura parfaite réciprocité en ce qui concerne l'exportation. Ainsi les mêmes droits d'exportation seront payés, et les mêmes primes et les mêmes remboursements de droits seront accordés, dans les états et possessions de l'une ou l'autre des Parties Contractantes, sur l'exportation d'un article quelconque qui est ou pourra être légalement susceptible d'en être exporté, soit que l'exportation ait lieu sur un bâtiment Ottoman ou Anglais, soit que le lieu de destination se trouve être un port de l'une des Parties Contractantes ou d'une Puissance tierce quelconque.

IX. Aucun droit de tonnage, de port, de pilotage, phare, quarantaine, ou autres semblables ou analogues (qu'elle qu'en soit la nature ou la dénomination), levé au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissement d'aucune sorte, ne sera imposé dans les ports des états et possessions de l'un des deux pays sur les navires de l'autre dans des condi-

not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

X. All vessels which according to British law are to be deemed British vessels, and all vessels which according to Ottoman law are to be deemed Ottoman vessels, shall for the purposes of this Treaty be deemed British and Ottoman vessels respectively.

XI. No charge whatsoever shall be made upon British goods being the produce or manufacture of the British dominions or possessions, whether in British or other ships, nor upon any goods the produce or manufacture of any other foreign country carried in British ships, when the same shall pass through the Straits of the Dardanelles or of the Bosphorus, whether such goods shall pass through those Straits in the ships that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed in order to be placed in other vessels for the continuance of their voyage.

In the latter case the goods in question shall be deposited at Constantinople in the magazines of the Custom-house, called Transit magazines; and in any other places where there is no

tions différentes de celles relatives à tout bâtiment national en général se trouvant dans le même cas. Cette réciprocité s'appliquera aux bâtiments respectifs des deux Puissances, de quelque port ou endroit qu'ils viennent, et quelque soit le lieu de leur destination.

X. Tout bâtiment considéré comme Anglais par la loi Britannique, et tout bâtiment considéré comme Turc par la loi Ottomane, sera, pour ce qui concerne ce Traité considéré respectivement comme bâtiment Anglais ou bâtiment Turc.

XI. Aucun droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie de la Grande Bretagne et de ses possessions, soit qu'elles arrivent sur des bâtiments Anglais ou d'autres, ni sur les marchandises provenant des produits du sol et de l'industrie de tout autre pays étranger, chargées sur des bâtiments Anglais, quand ces marchandises passeront les Détroits des Dardanelles et du Bosphore, soit qu'elles traversent ces Détroits sur les bâtiments qui les ont apportées, ou qu'elles aient été transbordées sur d'autres bâtiments, ou que, vendues pour l'exportation, elles soient débarquées pour un temps limité, pour être mises à bord d'autres bâtiments et continuer leur voyage.

Dans ce dernier cas, ces marchandises devront être déposées à Constantinople, dans les magasins de la Douane dits de Transit, et placées partout ailleurs où il n'y aurait pas d'entrepôt,

entrepôt, they shall be placed under the charge of the administration of the Customs.

XII. The Sublime Porte desiring to grant by means of gradual concessions all facilities in its power to transit by land, it is stipulated and agreed that the duty of 3 per cent. levied up to this time on articles imported into Turkey, in their passage through Turkey to other countries, shall be reduced to 2 per cent. payable, as the duty of 3 per cent. has been paid hitherto, on arriving in the Ottoman dominions; and at the end of 8 years to be reckoned from the day of the exchange of the ratifications of the present Treaty, to a fixed and definite tax of 1 per cent., which shall be levied, as is to be the case with respect to Turkish produce exported, to defray the expense of registration.

The Sublime Porte at the same time declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

XIII. Her Britannic Majesty's subjects, or their agents, trading in goods the produce or manufacture of foreign countries, shall be subject to the same taxes, and enjoy the same rights, privileges, and immunities as foreign subjects dealing in goods, the produce or manufacture of their own country.

XIV. An exception to the

sous la surveillance de l'Administration des Douanes.

XII. La Sublime Porte désirant accorder, au moyen de concessions graduelles, toutes les facilités en son pouvoir au transit par terre, il a été stipulé et convenu que le droit de 3 pour cent prélevé jusqu'à ce jour sur les marchandises importées en Turquie pour en être expédiées dans d'autres pays, sera réduit à 2 pour cent payable (comme le droit de 3 pour cent a été payé jusqu'ici) à leur arrivée dans les états Ottomans, et au bout de 8 ans, à compter du jour où les ratifications du présent Traité auront été échangées, à une taxe fixe et définie de 1 pour cent, qui sera prélevée (comme ce sera également le cas pour l'exportation des produits Turcs) pour couvrir les frais d'enregistrement.

La Sublime Porte déclare en même temps se réserver le droit d'établir par une disposition spéciale les mesures à adopter pour prévenir la fraude.

XIII. Les sujets de Sa Majesté Britannique ou leurs ayants-cause, se livrant dans l'Empire Ottoman au commerce des articles, produits du sol ou de l'industrie de pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, privilèges, et immunités que les sujets étrangers trafiquant des marchandises provenant des produits du sol ou de l'industrie de leur propre pays.

XIV. Par exception aux sti-

stipulations laid down in Article V shall be made in regard to tobacco, in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included among those which the subjects of Her Britannic Majesty are permitted to import into the Ottoman dominions.

British subjects, however, or their agents, buying or selling tobacco or salt for consumption in Turkey, shall be subject to the same regulations, and shall pay the same duties, as the most favoured Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above-mentioned, no duty whatsoever shall in future be levied on those articles when exported from Turkey by the subjects of Her Britannic Majesty.

British subjects shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported, to the proper Custom-House authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

XV. It is understood between the two High Contracting Parties, that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman dominions of gunpowder, cannon, arms of war,

pulations de l'Article V, le tabac, sous toutes ses formes, et le sel, cessent d'être compris au nombre des articles que les sujets de Sa Majesté Britannique ont la faculté d'importer dans l'Empire Ottoman; cependant les sujets de la Grande Bretagne ou leurs ayant-cause, qui achèteront ou vendront du tabac ou du sel pour la consommation de la Turquie, seront soumis aux mêmes réglemens et paieront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles; et en outre, comme compensation de cette prohibition des deux articles susmentionnés, aucun droit ne sera perçu à l'avenir sur ces articles, quand ils seront exportés de la Turquie par des sujets de Sa Majesté Britannique.

Les sujets Britanniques seront néanmoins tenus de déclarer aux autorités de la douane la quantité de tabac et de sel exportée, et les dites autorités conserveront, comme par le passé, le droit de surveiller l'exportation de ces articles, sans pouvoir pour cela être autorisées à les frapper d'aucune taxe sous un prétexte quelconque.

XV. Il est entendu entre les deux Hautes Parties Contractantes, que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre, des canons, armes de guerre, ou munitions militaires, dans les

or military stores; but such prohibition will not come into operation until it shall have been officially notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited, shall, on being imported into the Ottoman dominions, be subject to the local regulations, unless Her Britannic Majesty's Embassy shall think fit to apply for a special licence, which licence will in that case be granted, provided no valid objection thereto can be alleged.

Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations:

1. It shall not be sold by subjects of Her Britannic Majesty in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port on board a British vessel, such vessel shall be anchored at a particular spot to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depôts or fitting places designated by the Government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gun-

états de l'Empire Ottoman.

Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officiellement notifiée, et ne pourra s'étendre que sur les articles spécifiés dans le décret qui les interdit. Celui de ces articles qui ne sera pas ainsi prohibé, sera assujetti à son introduction dans l'Empire aux réglemens locaux, sauf les cas où l'Ambassade de Sa Majesté Britannique demande une permission exceptionnelle, laquelle sera alors accordée, à moins que des raisons sérieuses ne s'y opposent. La poudre en particulier, si son introduction est permise, sera assujettie aux obligations suivantes:

1. Elle ne sera point vendue par les sujets de Sa Majesté Britannique au-delà de la quantité prescrite par les réglemens locaux.

2. Quand une cargaison ou une quantité considérable de poudre arrivera dans un port Ottoman à bord d'un bâtiment Anglais, ce bâtiment sera tenu de mouiller sur un point particulier désigné par les autorités locales, et de débarquer sa poudre sous l'inspection de ces mêmes autorités, dans des entrepôts ou autres endroits qui seront également désignés par elles, et auxquels les parties intéressées auront accès en se conformant aux réglemens voulus.

Ne sont pas compris dans les restrictions du présent Article les fusils de chasse, les pistolets,

powder for sporting, reserved for private use, shall not be subject to the stipulations of the present Article.

XVI. The firmans required for British merchant-vessels, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

XVII. The captains of British merchant-vessels, with goods on board destined for the Ottoman Empire, shall be obliged, immediately on their arrival at the port to which they are bound, to deposit in the Custom-House of the said port a true copy of their manifest.

XVIII. Contraband goods will be liable to confiscation by the Ottoman Treasury; but a report or *procès-verbal* of the alleged act of contraband must, as soon as the said goods are seized by the authorities, be drawn up and communicated to the Consular authority of the foreign subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband, unless the fraud with regard to them shall be duly and legally proved.

XIX. All merchandize, the produce or manufacture of the Ottoman dominions and possessions, imported into the dominions and possessions of Her Britannic Majesty, shall be treated in the same man-

les armes de luxe, ainsi qu'une petite quantité de poudre de chasse réservée à l'usage privé.

XVI. Les firmans exigés des bâtimens marchands Britanniques à leur passage par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

XVII. Les capitaines des bâtimens de commerce Britanniques ayant à bord des marchandises à destination de l'Empire Ottoman, seront tenus, immédiatement après leur arrivée au port de destination, de déposer à la Douane une copie exacte de leur manifeste.

XVIII. Les marchandises introduites en contrebande seront passibles de confiscation au profit du Trésor Ottoman; mais un rapport ou *procès-verbal* du fait de contrebande allégué devra, aussitôt que les marchandises seront saisies par les autorités, être dressé et communiqué à l'autorité Consulaire du sujet étranger auquel appartiendraient les objets réputés de contrebande; et aucune marchandise ne pourra être confisquée comme contrebande, tant que la fraude n'aura pas été dûment et légalement prouvée.

XIX. Toute marchandise, produit du sol ou de l'industrie Ottomane, soit de l'Empire soit de ses dépendances, importée dans les états et possessions de Sa Majesté Britannique, sera traitée sur le même pied que la

ner as the like merchandize the produce or manufacture of the most favoured nation.

All rights, privileges, or immunities which are now or may hereafter be granted to, or suffered to be enjoyed by, the subjects, ships, commerce, or navigation of any foreign Power in the British dominions or possessions, shall be equally granted to, and exercised and enjoyed by, the subjects, ships, commerce, and navigation of the Ottoman Porte.

XX. The present Treaty, when ratified, shall be substituted for the Convention concluded between the two High Contracting Parties on the 16th of August, 1838,* and shall remain in force for 28 years from the day of the exchange of the ratifications; each of the High Contracting Parties being, however, at liberty to give to the other, at the end of 14 years (that time being fixed, as the provisions of this Treaty will then have come into full force), notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of 21 years.

The present Treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire, that is to say, in all the possessions of His Imperial Majesty the Sultan

même marchandises produit du sol ou de l'industrie de la nation la plus favorisée.

Tous les droits, privilèges, ou immunités accordés maintenant ou pouvant être accordés plus tard aux sujets, bâtimens, commerce, ou navigation de toute Puissance étrangère dans les Etats ou les possessions de la Grande Bretagne, ou dont la jouissance pourra y être tolérée, seront également accordés aux sujets, bâtimens, commerce, et navigation de la Porte Ottomane, et l'exercice et la jouissance leur en seront laissés.

XX. Le présent Traité une fois ratifié, sera substitué à la Convention conclue entre les deux Hautes Parties Contractantes le 16 Août, 1838,* et il sera en vigueur pour 28 ans à partir du jour de l'échange des ratifications. Chacune des Hautes Parties Contractantes aura cependant la faculté de faire savoir à l'autre, à l'expiration de la 14^e année (époque à laquelle les provisions du Traité auront reçu leur pleine et entière exécution), de même qu'à l'expiration de la 21^e année, si elle a le projet de le reviser, ou de le faire cesser à l'expiration d'une année à partir de la date de cette notification.

Le présent Traité sera exécuté dans toutes et dans chacune des provinces de l'Empire Ottoman, c'est-à-dire, dans tous les Etats de Sa Majesté Impériale le Sultan situés en Europe ou en

* Vol. XXVI. Page 688.

situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the United Principalities of Moldavia and Wallachia.

The Sublime Porte declares that she is ready to grant to other foreign Powers who may seek to obtain them, the commercial advantages contained in the stipulations of the present Treaty.

XXI. It is always understood that Her Britannic Majesty does not pretend, by any Article in the present Treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman Government from the exercise of its rights of internal administration, where the exercise of those rights does not evidently infringe upon the privileges accorded by ancient Treaties, or by the present Treaty, to British subjects or British merchandize.

XXII. The High Contracting Parties have agreed to appoint, jointly, Commissioners for the settlement of a Tariff of Custom-House duties, to be levied in conformity with the stipulations of the present Treaty, as well upon merchandize of every description being the produce or manufacture of the British dominions and possessions imported into the Sultan's dominions and possessions, as upon articles of every description the produce or manufacture of the dominions and

Asie, en Egypte et dans les autres parties de l'Afrique appartenant à la Sublime Porte, en Servie, et dans les Principautés Unies de Moldavie et de Wallachie.

La Sublime Porte déclare qu'elle est prête à accorder aux autres Puissances étrangères qui pourraient les désirer, les avantages commerciaux contenus dans les stipulations du présent Traité.

XXI. Il est toujours entendu que Sa Majesté Britannique ne prétend point, par aucun Article du présent Traité, stipuler au-delà du sens clair et équitable des terms employés, ni entraver, en aucune manière, le Gouvernement Ottoman dans l'exercice de ses droits d'administration intérieure, autant toutefois que ces droits ne porteront pas une atteinte manifeste aux privilèges accordés par les anciens Traités, ou par celui-ci, aux sujets Britanniques ou à leurs marchandises.

XXII. Les Hautes Parties Contractantes sont convenus de nommer conjointement des Commissaires pour établir le Tarif des droits de Douane à percevoir conformément aux stipulations du présent Traité, tant sur les marchandises de toute espèce provenant des produits du sol ou de l'industrie des Etats et possessions de la Grande Bretagne, importées dans l'Empire et les possessions du Sultan, que sur les articles de toute sorte provenant des produits du sol ou de

possessions of the Sultan, which British subjects or their Agents are free to purchase in any part of the Ottoman dominions and possessions for exportation to Great Britain or to any other country.

The new Tariff to be so concluded shall remain in force during 7 years, dating from the 1st of October, 1861.

Each of the Contracting Parties shall have the right, a year before the expiration of that term, to demand the revision of the Tariff. But if, during the 7th year, neither the one nor the other of the Contracting Parties shall avail itself of this right, the Tariff then existing shall continue to have the force of law for 7 more years, dating from the day of the expiration of the 7 preceding years ; and the same shall be the case with respect to every successive period of 7 years.

XXIII. The present Treaty shall be ratified, and the ratifications shall be exchanged at Constantinople in two calendar months, or sooner if possible, and shall be carried into execution from the 1st of October, 1861.

Done at Kanlidja, on the 29th day of April, 1861.

(L.S.) HENRY L. BULWER.

(L.S.) AALI.

l'industrie des Etats du Sultan et de leurs dépendances, articles que les sujets Anglais ou leurs ayant cause sont libres d'acheter dans toutes les parties des Etats et possessions du Sultan pour les exporter, soit dans la Grande Bretagne, soit en d'autres pays.

Le nouveau Tarif à établir de la sorte, restera en vigueur pendant 7 ans, à dater du 1er Octobre, 1861.

Chacune des Parties Contractantes aura le droit, un an avant l'expiration de ce terme, de demander la révision du Tarif. Mais si, pendant la 7me année, ni l'une ni l'autre n'use de ce droit, le Tarif continuera d'avoir force de loi pour 7 autres années, à dater du jour de l'expiration des 7 années précédentes, et il en sera de même à chaque période successive de 7 ans.

XXIII. Le présent Traité sera ratifié, et les ratifications en seront échangées à Constantinople dans l'espace de deux mois, ou plus tôt si faire se peut, et il sera mis à exécution à partir, du 1er Octobre, 1861.

Fait à Kanlidja, le 29me jour du mois d'Avril, de l'année 1861.

(L.S.) HENRY L. BULWER.

(L.S.) AALI.

TREATY between Great Britain, Austria, Belgium, Brazil, Denmark, Spain, France, Mecklenburg-Schwerin, the Netherlands, Portugal, Prussia, Russia, Sweden and Norway, and the Hanse Towns, on the one part, and Hanover on the other part, for the Redemption of the Stade Toll.—Signed at Hanover, June 22, 1861.

[Ratifications exchanged at Hanover, June 30, 1861.]

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklenbourg-Schwerin, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anseatiques de Lubeck, Brême, et Hambourg, d'une part ;

Et Sa Majesté le Roi de Hanovre, d'autre part ;

Egalement animés du désir de faciliter et d'activer les rapports de commerce et de navigation entre leurs Etats respectifs, ont résolu de conclure un Traité dans le but d'affranchir la navigation de l'Elbe du droit connu sous la dénomination de péage de Stade ou de Brunshausen, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Henry Francis Howard, Esquire, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Frédéric Hugues, Comte d'Ingelheim Echter de Mespelbrunn, Chevalier Honoraire de Malte, Grand-Croix des Ordres des Guelphes, de Guillaume de Hesse, et de la Maison Grand-Ducal d'Oldenbourg, Commandeur de l'Ordre Grand-Ducal de Louis de Hesse, et de l'Ordre du St. Sauveur de Grèce, son Conseiller Privé actuel et Chambellan, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi des Belges, le Sieur Jean Baptiste Baron Nothomb, décoré de la Croix de Fer, Grand Cordon de son Ordre de Léopold, et des Ordres de la Branche Ernestine, d'Albert le Valeureux, de la Légion d'Honneur, de l'Aigle Rouge, de Charles III, du Christ de Portugal, de St. Michel de Bavière, de St. Olaf,

du Lion Néerlandais, du Lion de Zaehringen, du Mérite de la Hesse Grand-Ducale, de la Maison d'Anhalt, &c., son Ministre d'Etat, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté l'Empereur du Brésil, le Sieur Marcos Antonio Chevalier d'Araujo, Commandeur de l'Ordre du Christ du Brésil, Grand-Croix des Ordres de l'Aigle Rouge et du Danebrog, Chevalier de l'Ordre de la Conception de Portugal, Membre de son Conseil, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi de Danemark, le Sieur Charles Ernest Jean de Bülow, Commandeur de son Ordre du Danebrog, et décoré de la Croix d'Honneur du même Ordre, Chevalier de l'Ordre de St. Stanislas de seconde classe, Commandeur de l'Ordre de St. Olaf de Norwège, Chevalier des Ordres de l'Epée de Suède, et de Guillaume de Hesse, son Major-Général et Chambellan, son Envoyé en Mission Extraordinaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté la Reine d'Espagne, le Sieur Vizente Gutierrez Chevalier de Terán, Commandeur de son Ordre d'Isabelle la Catholique, et Chevalier de l'Ordre de Charles III, Commandeur des Ordres de Léopold de Belgique et du Danebrog, Chevalier de l'Ordre de St. Jean, son Secrétaire de Cabinet, son Ministre Résident près Sa Majesté le Roi de Danemark ;

Sa Majesté l'Empereur des Français, le Sieur Joseph Alphonse Paul Baron de Malaret, Officier de son Ordre Impérial de la Légion d'Honneur, Commandeur de nombre extraordinaire de l'Ordre de Charles III d'Espagne, Chevalier de l'Ordre de Pie IX, son Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi de Hanovre, le Sieur Adolphe Charles Louis Comte de Platen-Hallermund, Commandeur de première classe de son Ordre des Guelphes, Grand-Cordon des Ordres de Léopold d'Autriche, de l'Aigle Rouge de Prusse, de l'Aigle Blanc de Russie, du Lion Néerlandais, de la Maison d'Oldenbourg, de Pie IX, des Saints Maurice et Lazare, &c., son Ministre d'Etat et des Affaires Etrangères ;

Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, le Sieur Othon Henri Jasper de Wickede, son Conseiller au Ministère des Finances ;

Sa Majesté le Roi des Pays-Bas, le Sieur Antoine Jean Lucas Baron Stratenus, Commandeur de son Ordre Royal du Lion Néerlandais, son Chambellan, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Dom Francisco d'Almeida Portugal Comte de Lavradio, Grand-Croix de l'ancien et très noble Ordre de la Tour et l'Epée, et de

l'Ordre Militaire du Christ, Commandeur de l'Ordre Royal de Notre Dame de la Conception de Villa Viçosa du Portugal, Grand-Croix des Ordres de l'Aigle Rouge de Prusse, de Léopold de Belgique, du Danebrog, et de la Branche Ernestine de Saxe, Chevalier de première classe en diamants de l'Ordre Princier de Hohenzollern, &c., Président de la Chambre des Pairs, son Conseiller d'Etat effectif et Ministre d'Etat Honoraire, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Sa Majesté le Roi de Prusse, le Prince Gustave d'Ysenbourg et Budingén, Chevalier de son Ordre de l'Aigle Rouge de troisième classe avec nœud, Chevalier de droit de l'Ordre de St. Jean de Prusse, et décoré de la Croix pour le Mérite Militaire, Grand-Croix de l'Ordre de la Maison d'Oldenbourg, Commandeur de première classe des Ordres des Guelphes de Hanovre, et de Henri le Lion de Brunswick, &c., son Lieutenant-Colonel à la suite du Premier Régiment des Dragons de la Garde, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre :

Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, Grand Duc de Finlande, le Sieur Jean Persiany, Chevalier de Ses Ordres de Ste. Anne de première classe, de St. Stanislas de première classe, et de St. Wladimir de troisième classe, Grand-Croix du Sauveur de Grèce, Chevalier du Lion de Zaehringen de troisième classe, et décoré de l'Ordre du Nichan-Iftihar de Turquie, son Conseiller Privé, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Hanovre ;

Sa Majesté le Roi de Suède et de Norwège, le Sieur Charles Adolphe Sterky, Chevalier de son Ordre de l'Etoile Polaire, de l'Ordre de Ste. Anne de Russie de troisième classe, et de l'Ordre du Danebrog, son Ministre Résident en Mission Spéciale près Sa Majesté le Roi de Hanovre, son Ministre Résident et Consul-Général près les Villes Libres et Anséatiques de Lubeck, Brême, et Hambourg ;

Le Sénat de la Ville Libre et Anséatique de Lubeck, le Sieur Théodore Curtius, Docteur en droit, Sénateur de cette Ville ;

Le Sénat de la Ville Libre et Anséatique de Brême, le Sieur Othon Gildemeister, Sénateur de cette Ville ;

Le Sénat de la Ville Libre et Anséatique de Hambourg, le Sieur Charles Hermann Merck, Docteur en droit, Syndic de la dite Ville ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Sa Majesté le Roi de Hanovre prend envers Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa

Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anseatiques de Lubeck, Brème, et Hambourg, qui l'acceptent, l'engagement :

1. D'abolir complètement et à jamais le droit jusqu'ici prélevé sur les cargaisons des navires qui, en montant l'Elbe, venaient passer l'embouchure de la rivière dite Schwinge, droit généralement désigné sous le nom de péage de Stade ou de Brunshausen ;

2. De ne substituer au droit dont la suppression est stipulée par le paragraphe précédent aucune nouvelle taxe, de quelque nature qu'elle soit, à raison de la coque ou des cargaisons, sur les navires qui monteront ou descendront l'Elbe ;

3. De n'assujettir désormais, sous quelque prétexte que ce soit, à aucune mesure de contrôle relative au droit cessant, les navires qui monteront ou descendront l'Elbe.

Il est cependant bien entendu que les dispositions ci-dessus ne seront obligatoires qu'à l'égard des Puissances qui ont pris part ou adhéreront au présent Traité ; Sa Majesté le Roi de Hanovre se réservant expressément le droit de régler par accords particuliers, n'impliquant ni visite ni détention, le traitement fiscal et douanier des navires appartenant aux Puissances qui sont restées ou resteront en dehors de ce Traité.

II. Sa Majesté le Roi de Hanovre s'engage en outre envers les susdites Hautes Parties Contractantes :

1. A prendre soin, comme par le passé et dans la mesure de ses obligations actuelles, de la conservation des ouvrages qui sont nécessaires à la libre navigation de l'Elbe.

2. A n'introduire, à titre de compensation pour les dépenses résultant de l'exécution de cet engagement, aucune charge quelconque aux lieux et place du droit de Stade ou de Brunshausen.

III. Les engagements contenus dans les deux Articles précédents produiront leur effet à partir du 1 Juillet, 1861.

IV. Comme dédommagement et compensation des sacrifices que les stipulations ci-dessus doivent imposer à Sa Majesté le Roi de Hanovre, Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Sa Majesté le Roi de Danemark, Sa Majesté

la Reine d'Espagne, Sa Majesté l'Empereur des Français, Son Altesse Royale le Grand Duc de Mecklembourg-Schwerin, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi des Royaumes de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, Grand Duc de Finlande, Sa Majesté le Roi de Suède et de Norwège, et les Sénats des Villes Libres et Anscatiques de Lubeck, Brême, et Hambourg, s'engagent de leur côté à payer à Sa Majesté le Roi d'Hanovre, qui l'accepte, une somme totale de 2,857,338 $\frac{1}{2}$ thalers (Allemands), à répartir de la manière suivante :

	<i>Thalers Allemands.</i>
Sur la Grande Bretagne, pour	1,033,333 $\frac{1}{2}$
„ l'Autriche	1,278
„ la Belgique	19,413
„ Brême	40,334
„ le Brésil	1,013
„ le Danemark	209,543
„ l'Espagne	37,789
„ la France	71,166
„ Hambourg	1,033,333 $\frac{1}{2}$
„ Lubeck	8,885
„ le Mecklembourg	15,855
„ la Norwège	64,258
„ les Pays-Bas	169,968
„ le Portugal	16,218
„ la Prusse	34,489
„ la Russie	7,983
„ la Suède	92,495

Il est bien entendu que les Hautes Parties Contractantes ne seront éventuellement responsables que pour la quotepart mise à la charge de chacune d'elles.

V. En ce qui regarde le mode, le lieu, et l'époque de payement des différentes quoteparts, il est convenu que le payement sera effectué en thalers (Allemands), à Hanovre ou à Hambourg, selon le choix du Gouvernement payant, et dans le terme de 3 mois à partir du 1 Juillet, 1861. Il pourra cependant intervenir des arrangements particuliers aux fins de proroger le terme susindiqué ou de stipuler le payement par annuités. .

L'acquittement d'intérêts au taux de 4 pour cent du capital deviendra obligatoire à partir du 1er Octobre, 1861, pour les payements en somme intégrale ; à partir du 1er Juillet, 1861, pour les payements en termes.

VI. L'exécution des engagements réciproques contenus dans le

présent Traité est expressément subordonnée à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Puissances Contractantes qui sont tenues d'en provoquer l'application, ce qu'elles s'obligent à faire dans le plus bref délai possible.

VII. Le présent Traité sera ratifié, et les ratifications en seront échangées à Hanovre avant le 1er Juillet, 1861, ou aussitôt que possible après l'expiration de ce terme.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Hanovre, le 22ème jour du mois de Juin, de l'an 1861.

(L.S.) PLATEN-HALLERMUND.

(L.S.) HENRY FRANCIS HOWARD.

(L.S.) F. INGELHEIM.

(L.S.) NOTHOMB.

(L.S.) ARAUJO.

(L.S.) J. v. BULOW.

(L.S.) V. G. DE TERAN.

(L.S.) MALARET.

(L.S.) OTHON DE WICKEDE.

(L.S.) STRATENUS.

(L.S.) C. DE LAVRADIO.

(L.S.) LE PRINCE GUSTAVE D'YSENBURG.

(L.S.) PERSIANY.

(L.S.) C. A. STERKY.

(L.S.) TH. CURTIUS, Dr.

(L.S.) GILDEMEISTER.

(L.S.) C. H. MERCK, Dr.

ANNEXES (1).—*Protocol of a Conference held at Hanover, June 22, 1861.*

DANS le cas où l'exécution des engagements contenus dans les Articles VI et VII du Traité de ce jour ne pourrait avoir lieu avant le 1er Juillet, 1861, il demeure entendu que le Gouvernement Hanovrien conservera le droit de maintenir après cette époque, à titre provisoire, par voie de cautionnement, le droit qu'il s'est engagé à abolir; mais au fur et à mesure qu'une des Puissances Contractantes aura rempli les susdits engagements, le Gouvernement Hanovrien fera cesser, de son côté, les mesures provisoires de cautionnement, et en ordonnera la décharge à l'égard des marchandises transportées dans les navires de cette Puissance. Il pourra néanmoins, jusqu'à l'accomplissement définitif, par toutes les Puissances Contractantes, des engagements contenus dans les

Articles VI et VII, exiger des navires affranchis la justification de leur nationalité, sans qu'il puisse en résulter pour ces navires ni retard ni détention.

Fait à Hanovre, le 22 Juin, 1861.

(L.S.) PLATEN-HALLERMUND.

(L.S.) HENRY FRANCIS HOWARD.

(L.S.) F. INGELHEIM.

(L.S.) NOTHOMB.

(L.S.) ARAUJO.

(L.S.) J. v. BULOW.

(L.S.) V. G. DE TERAN.

(L.S.) MALARET.

(L.S.) OTHON DE WICKEDE.

(L.S.) STRATENUS.

(L.S.) C. DE LAVRADIO.

(L.S.) LE PRINCE GUSTAVE D'YSENBURG.

(L.S.) PERSIANY.

(L.S.) STERKY

(L.S.) TH. CURTIUS, DR.

(L.S.) GILDEMEISTER.

(L.S.) C. H. MERCK, DR.

(2).—*Extracts from Protocol (No. 3) of a Conference held at Hanover, June 19, 1861.*

La Conférence passe à l'examen du Projet de Protocole devant régler l'état intérimaire à établir jusqu'à l'accomplissement définitif par toutes les Puissances Contractantes des engagements contenus dans les Articles VI et VII du Traité.

Le Protocole est lu par M. le Comte de Platen.

Le Délégué de Hanovre croit pouvoir se dispenser de justifier un Projet qui est de tout point conforme au Protocole signé lors de l'abolition des droits du Sund.

M. le Délégué des Pays-Bas fait remarquer qu'il y aura lieu de constater la manière dont le Gouvernement de Hanovre entend exécuter la mesure de cautionnement prévue par le projet. Rappelant la circulaire émanée du Directorat de la Douane du Sund le 29 Mars, 1857, et qui, quoique non comprise dans les négociations proprement dites, ne laisse pas que d'avoir un certain caractère international, il énonce le désir que le Hanovre fasse un arrangement administratif qui soit analogue à la mesure précitée du Gouvernement Danois. C'est sous le bénéfice de cette réserve que le Gouvernement des Pays-Bas peut admettre le Protocole.

M. le Comte de Platen-Hallermund répond que le Gouvernement de Hanovre, dans la ferme volonté de ménager autant que

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possible tous les intérêts engagés, est prêt à s'arrêter à un expédient qui consisterait à laisser aux intéressés le droit facultatif et alternatif d'opérer le dépôt en numéraire, ou de se faire cautionner par un courtier résidant dans le port de destination et dont la solvabilité soit connu au bureau des péages, et qui, contre les papiers et documents indiqués dans le § 8 b du Règlement du 13 Avril, 1844 (sur le péage de Stade ou de Brunshausen), n'aurait à remettre qu'une simple cédule, en gardant son recours contre qui de droit à l'égard des sommes y indiquées.

La Conférence décide unanimement d'adhérer à la proposition formulée par M. le Délégué de Hanovre et qui sera insérée au procès-verbal de la séance.

Le Protocole est mis aux voix et adopté à l'unanimité, après que le terme du 1er Juillet, 1861, y a été inséré.

M. le Plénipotentiaire de la Grande Bretagne prend la parole. se prononce dans les termes suivants :

“ La Conférence vient très-heureusement d'arrêter la rédaction du Traité par lequel le droit de Stade sera aboli, et le Hanovre prend les engagements contenus dans l'Article II. Je pense que, comme il y a deux autres Etats Riverains représentés à la Conférence, il serait utile de constater de quelle manière leurs Gouvernements entendent agir à l'avenir relativement au maintien de la libre navigation de ce fleuve.

“ Je prends donc la liberté de demander à chacun de ces deux Plénipotentiaires s'ils ne sont pas à même de s'expliquer à ce sujet.”

M. le Plénipotentiaire de Sa Majesté le Roi de Danemark donne lecture de la déclaration suivante :

“ Le Plénipotentiaire de Sa Majesté le Roi de Danemark déclare que son Gouvernement s'engage à entretenir, à l'avenir comme par le passé, pour ce qui le concerne, les ouvrages servant au maintien de la navigabilité de l'Elbe, sans imposer à titre de compensation un nouveau droit quelconque, soit sur la coque des navires qui monteront ou descendront ce fleuve, soit sur leurs cargaisons.”

M. le Plénipotentiaire de Hambourg, se rendant de son côté à l'invitation de M. le Plénipotentiaire de la Grande Bretagne, dit qu'il lui serait peut-être permis de contester sur la question que l'on soulève la compétence de la Conférence. Il s'en abstiendra. En conséquence il a l'honneur de faire, au nom du Sénat, la déclaration suivante :

“ Le Plénipotentiaire de la Ville Libre de Hambourg déclare que l'abolition du droit de Stade ne sera jamais pour elle un motif d'altérer la situation actuelle relativement au maintien à ses frais de la navigabilité de l'Elbe de Hambourg jusqu'à la mer, lequel état de choses subsistera à tous égards sans altération.”

A la demande de M. le Plénipotentiaire des Pays-Bas la Conférence décide que les déclarations dont il a été donné lecture seront textuellement insérées au Protocole de la séance, ainsi que les explications de M. le Plénipotentiaire de la Grande Bretagne qui les ont provoquées.

CONVENTION between Great Britain and France, relative to the Emigration of Labourers from India to the French Colonies.—Signed at Paris, July 1, 1861.

[Ratifications exchanged at Paris, July 30, 1861.]

HIS Majesty the Emperor of the French having made known, by a Declaration* dated this day (1st July, 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

SA Majesté l'Empereur des Français ayant fait connaître par une Déclaration* en date de ce jour (1 Juillet, 1861) sa volonté de mettre fin au recrutement sur la côte d'Afrique de travailleurs noirs par voie de rachat, et, en conséquence, Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande désirant faciliter l'immigration de travailleurs libres dans les colonies Françaises, leurs dites Majestés ont résolu de conclure une Convention destinée à en régler le recrutement sur les territoires Britanniques dans l'Inde. A cet effet, elles ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Richard Charles Comte Cowley, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français;

* Page 48.

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles :

ART. I. The French Government shall be at liberty to recruit and engage labourers for the French colonies in the Indian territories belonging to Great Britain, and to embark emigrants, being subjects of Her Britannic Majesty, either in British or French ports in India, under the conditions hereinafter stipulated.

II. The French Government shall intrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the exequatur given to Consular Agents.

III. This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British colonies.

IV. The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for

Et Sa Majesté l'Empereur des Français, M. Edouard Antoine Thouvenel, Sénateur, son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement Français pourra recruter et engager pour les colonies Françaises des travailleurs sur les territoires Indiens appartenant à la Grande Bretagne, et embarquer les émigrants sujets de Sa Majesté Britannique, soit dans les ports Britanniques, soit dans les ports Français de l'Inde, aux conditions ci-après stipulées.

II. Le Gouvernement Français confiera, dans chaque centre de recrutement, la direction des opérations à un Agent de son choix.

Ces Agents devront être agréés par le Gouvernement Britannique.

Cet agrément est assimilé, quant au droit de l'accorder et de le retirer, à l'exéquatur donné aux Agents Consulaires.

III. Ce recrutement sera effectué conformément aux règlements existants, ou qui pourraient être établis, pour le recrutement des travailleurs à destination des colonies Britanniques.

IV. L'Agent Français jouira, relativement aux opérations de recrutement qui lui seront confiées, pour lui comme pour les

the persons whom he may employ, all the facilities and advantages afforded to the recruiting agents for British colonies.

V. The Government of Her Britannic Majesty shall appoint in those British ports where emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents," are comprised Consuls, Vice-Consuls, and all other commissioned Consular officers.

VI. No emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself either that the emigrant is not a British subject, or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

VII. The contracts of service, with the exception provided for by sec. IV of Article IX, and by sec. II of Article X, shall be made in India, and shall either bind the emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority,

personnes qu'il emploiera, de toutes les facilités et avantages accordés aux agents de recrutement pour les colonies Britanniques.

V. Le Gouvernement de Sa Majesté Britannique désignera dans les ports Britanniques où aura lieu l'embarquement des émigrants, un Agent qui sera spécialement chargé de leurs intérêts.

Le même soin sera confié, dans les ports Français, à l'Agent Consulaire Britannique à l'égard des Indiens sujets de Sa Majesté Britannique.

Sous le terme "Agents Consulaires" sont compris les Consuls, Vice-Consuls, et tous autres officiers Consulaires commissionnés.

VI. Aucun émigrant ne pourra être embarqué sans que les Agents désignés dans l'Article précédent aient été mis à même de s'assurer ou que l'émigrant n'est pas sujet Britannique, ou, s'il est sujet Britannique, qu'il s'est librement engagé, qu'il a une connaissance parfaite du contrat qu'il a passé, du lieu de sa destination, de la durée probable de son voyage, et des divers avantages attachés à son engagement.

VII. Les contrats de service devront, sauf l'exception prévue au § IV de l'Article IX, et au § II de l'Article X, être passés dans l'Inde, et contenir pour l'émigrant l'obligation de servir soit une personne nommément désignée, soit toute personne à laquelle il sera confié par l'au-

on his arrival in the colony.

VIII. The contracts shall, moreover, make stipulation for :

1. The duration of the engagement, at the expiration of which the emigrant shall receive a return passage to India at the expense of the French Government, and the terms on which it will be competent to him to renounce his right to a free return passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the emigrant.

4. Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX, and XXI, of the present Convention.

IX. 1. The duration of the immigrant's engagement shall not be more than 5 years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of 10 years at the time of his departure from India shall be entitled to a return passage at the expense of the French Government.

torité, à son arrivée dans la colonie.

VIII. Les contrats devront, en outre, stipuler :

1. La durée de l'engagement, à l'expiration duquel le rapatriement reste à la charge de l'Administration Française, et les conditions auxquelles l'émigrant pourra renoncer à son droit de rapatriement gratuit ;

2. Le nombre des jours et des heures de travail.

3. Les gages et les rations, ainsi que les salaires pour tout travail extraordinaire, et tous les avantages promis à l'émigrant.

4. L'assistance médicale gratuite pour l'émigrant, excepté pour le cas où, dans l'opinion de l'agent de l'Administration, sa maladie serait le résultat de son inconduite.

Tout contrat d'engagement portera copie textuelle des Articles IX, X, XX, et XXI, de la présente Convention.

IX. 1. La durée de l'engagement d'un immigrant ne pourra être de plus de 5 années. Toutefois, en cas d'interruption volontaire du travail, régulièrement constatée, l'immigrant devra un nombre de jours égal à celui de la durée de l'interruption.

2. A l'expiration de ce terme, tout Indien qui aura atteint l'âge de 10 ans au moment de son départ de l'Inde, aura droit à son rapatriement aux frais de l'Administration Française.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the colony without any engagement; but from that time he will lose his right to a free return passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return passage at the expiration of such second engagement.

The right of the immigrant to a return passage extends to his wife, and to his children who quitted India under the age of 10 years, as well as to those born in the colonies.

X. The immigrant shall not be bound to work more than 6 days in 7, nor more than 9½ hours a day.

The conditions of task work, and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

XI. In British ports, the arrangements which precede the departure of the emigrants shall be conformable to those prescribed by the Regulations for the British colonies.

In French ports, the Emigration Agent, or his deputies, shall, on the departure of every emigrant ship, deliver to the British Consular Agent a nominal list of the emigrants who are subjects

8. S'il justifie d'une conduite régulière et de moyens d'existence, il pourra être admis à résider dans la colonie sans engagement; mais il perdra, dès ce moment, tout droit au rapatriement gratuit.

4. S'il consent à contracter un nouvel engagement, il aura droit à une prime, et conservera le droit au rapatriement à l'expiration de ce second engagement.

Le droit de l'immigrant au rapatriement s'étend à sa femme, et à ses enfants ayant quitté l'Inde âgés de moins de 10 ans, et à ceux qui sont nés dans les colonies.

X. L'immigrant ne pourra être tenu de travailler plus de 6 jours sur 7, ni plus de 9½ heures par jour.

Les conditions du travail à la tâche, et tout autre mode de règlement de travail, devront être librement débattus avec l'engagé. N'est pas considérée comme travail l'obligation de pourvoir les jours fériés aux soins que nécessitent les animaux, et aux besoins de la vie habituelle.

XI. Dans les ports Britanniques les dispositions qui précèdent le départ des émigrants seront conformes à celles prescrites par les règlements pour les Colonies Britanniques.

Dans les ports Français l'Agent d'Emigration ou ses délégués remettront aux Agents Consulaires Britanniques, au départ de tout navire d'émigrants, la liste nominative des émigrants

of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies. In such case, only one copy shall be given of all contracts of which the provisions are identical.

XII. In the ports of embarkation, the emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of police relative to such establishments, to leave the dépôts, or other place in which they may be lodged, in order to communicate with the British Agents, who, on their part, may, at any reasonable hour, visit the places in which the emigrants, subjects of Her Britannic Majesty, are collected or lodged.

XIII. Emigrants may leave India for the colonies to the east of the Cape of Good Hope at all times of the year.

For other colonies they may leave only from the 1st of August to the 15th of March. This arrangement applies only to sailing vessels; vessels using steam power may leave at any time of the year.

Every emigrant sailing from India for the Antilles between the 1st of March and the 15th of September shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the tropics.

sujets de Sa Majesté Britannique, avec les indications signalétiques, et leur communiqueront les contrats dont ils pourront demander copie. Dans ce cas, il ne leur sera donné qu'une seule copie pour tous les contrats identiques.

XII. Dans les ports d'embarquement les émigrants sujets de Sa Majesté Britannique seront libres de sortir, en se conformant aux réglemens de police relatifs à ces établissemens, des dépôts ou de tout endroit où ils seraient logés, pour communiquer avec les Agents Britanniques, lesquels pourront, de leur côté, visiter à toute heure convenable, les lieux où se trouveraient réunis ou logés les émigrants sujets de Sa Majesté Britannique.

XIII. Le départ des émigrants de l'Inde pour les colonies à l'est du Cap de Bonne Espérance pourra avoir lieu à toutes les époques de l'année.

Pour les autres colonies les départes ne pourront s'effectuer que du 1er Août au 15 Mars. Cette disposition n'est applicable qu'aux bâtimens à voiles; les départes pourront avoir lieu toute l'année par des bâtimens munis d'un moteur à vapeur.

Tout émigrant partant de l'Inde pour les Antilles entre le 1er Mars et le 15 Septembre recevra au moins une couverture de laine double (en sus des vêtemens qui lui sont ordinairement attribués), et pourra s'en servir aussi longtemps que le navire sera en dehors des tropiques.

XIV. Every emigrant vessel must carry a European surgeon and an interpreter.

The captains of emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the port of embarkation for the British Consular Agent at the port of destination, and to deliver it to the Colonial Government immediately after his arrival.

XV. In every vessel employed for the conveyance of emigrants, subjects of Her Britannic Majesty, the emigrants shall occupy either between decks, or in cabins on the upper deck, firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than 1 metre 65 centimetres French measure, or 5½ feet English measure.

No compartment shall take more than one adult emigrant for every cubic space of 2 metres French measure, or 72 feet English measure, in the Presidency of Bengal and at Chandernagore; and for every cubic space of 1 metre 700 decimetres French measure, or 60 feet English measure, in other French ports, and in the Presidencies of Bombay and Madras.

An emigrant above the age of 10 years shall count as an adult, and two children from one to 10 years of age shall count as one adult.

XIV. Tout navire transportant des émigrants devra avoir à son bord un chirurgien Européen et un interprète.

Les capitaines des navires portant des émigrants seront tenus de se charger de toute dépêche qui leur serait remise par l'Agent Britannique au port d'embarquement pour l'Agent Consulaire Britannique au port de débarquement, et la remettront immédiatement après leur arrivée à l'Administration Coloniale.

XV. Dans tout navire affecté au transport des émigrants sujets de Sa Majesté Britannique, les émigrants occuperont soit dans les entreponts, soit dans des cabines construites sur le pont supérieur, solidement établies et parfaitement couvertes, un espace qui sera attribué à leur usage exclusif. Ces cabines et entreponts devront avoir partout une hauteur qui ne sera pas moindre, en mesures Françaises, de 1 mètre 65 centimètres, en mesures Anglaises de 5½ pieds.

Chacun des logements ne pourra recevoir plus d'un émigrant adulte par espace cubique de 2 mètres (soit en mesures Anglaises, 72 pieds) dans la Présidence du Bengale et à Chandernagor; et de 1 mètre 700 décimètres (soit en mesures Anglaises 60 pieds), dans les autres ports Français, et dans les Présidences de Bombay et de Madras.

Un émigrant âgé de plus de 10 ans comptera pour un émigrant adulte, et 2 enfants âgés de un à 10 ans compteront pour un émigrant adulte.

A place shall be fitted up for a hospital in every emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

XVI. Each shipment of emigrants shall include a proportion of women, equal to at least one-fourth the number of men. After the expiration of 3 years the numerical proportion of women shall be raised to one-third; after two years more it shall be raised to one-half; and, after a further period of two years, the proportion shall be the same as may be fixed for the British colonies.

XVII. The British Agents, at the embarkation, shall have, at all reasonable times, the right of access to every part of the ships which is appropriated to the use of emigrants.

XVIII. The Governors of the French establishments in India shall make such administrative regulations as may be necessary to insure the complete execution of the preceding stipulations.

XIX. On the arrival of an emigrant ship in any French colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received from him, together with :

1. A nominal list of all labourers disembarked, who are subjects of Her Britannic Majesty ;

2. A list of the deaths or

Un local devant servir d'hôpital sera installé sur tout navire destiné à transporter des émigrants.

Les femmes et les enfants devront occuper des postes distincts et séparés de ceux des hommes.

XVI. Chaque contingent devra comprendre un nombre de femmes égal au moins au quart de celui des hommes. A l'expiration de 3 ans la proportion numérique des femmes sera portée à un tiers ; 2 ans plus tard à la moitié ; et 2 ans après, la proportion sera fixée telle qu'elle existera pour les colonies Britanniques.

XVII. Les Agents Britanniques à l'embarquement auront, à tout moment convenable, le droit d'accès dans toutes les parties des navires attribuées aux émigrants.

XVIII. Les Gouverneurs des établissements Français dans l'Inde rendront les réglemens d'administration nécessaires pour assurer l'entière exécution des clauses ci-dessus stipulées.

XIX. A l'arrivée dans une colonie Française d'un navire d'émigrants, l'Administration fera remettre à l'Agent Consulaire Britannique, avec les dépêches qu'elle aurait reçues pour lui :

1. Un état nominatif des travailleurs débarqués, sujets de Sa Majesté Britannique ;

2. Un état des décès ou des

births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the emigrants before their distribution in the colony.

A copy of the list of distribution shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return passage.

Every fresh engagement, or act of renunciation of the right to a free return passage, shall be communicated to the Consular Agent.

XX. All immigrants being subjects of Her Britannic Majesty shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy in the French colonies the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

XXI. In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under 15 years of age. No labourer shall be required to

naissances qui auraient eu lieu pendant le voyage.

L'Administration Coloniale prendra les mesures nécessaires pour que l'Agent Consulaire Britannique puisse communiquer avec les émigrants avant leur distribution dans la colonie.

Une copie de l'état de distribution sera remise à l'Agent Consulaire.

Il lui sera donné avis des décès et naissances qui pourraient survenir durant l'engagement, ainsi que des changements de maîtres, et des rapatriements.

Tout réengagement ou acte de renonciation au droit de rapatriement gratuit sera communiqué à l'Agent Consulaire.

XX. Les immigrants sujets de Sa Majesté Britannique jouiront dans les colonies Françaises de la faculté d'invoquer l'assistance des Agents Consulaires Britanniques au même titre que tous les autres sujets relevant de la Couronne Britannique, et conformément aux règles ordinaires du droit international; et il ne sera apporté aucun obstacle à ce que l'engagé puisse se prendre chez l'Agent Consulaire et entrer en rapport avec lui; le tout sans préjudice, bien entendu, des obligations résultant de l'engagement.

XXI. Dans la répartition des travailleurs aucun mari ne sera séparé de sa femme, aucun père ni aucune mère de ses enfants âgés de moins de 15 ans. Aucun travailleur, sans son consente-

change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return passage.

XXII. All operations of immigration may be carried on in the French colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of police, health, and equipment which may apply to French vessels.

XXIII. The labour regulations of Martinique shall serve as the basis for all the regulations of the French colonies into which Indian emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

XXIV. The present Convention applies to emigration to

ment, ne sera tenu de changer de maître, à moins d'être remis à l'Administration, ou à l'acquéreur de l'établissement dans lequel il est occupé.

Les immigrants qui deviendraient d'une manière permanente incapables de travail, soit par maladie, soit par d'autres causes involontaires, seront rapatriés aux frais du Gouvernement Français, quel que soit le temps de service qu'ils devraient encore pour avoir droit au rapatriement gratuit. 3

XXII. Les opérations d'immigration pourront être effectuées dans les Colonies Françaises par des navires Français ou Britanniques indistinctement.

Les navires Britanniques qui se livreront à ces opérations devront se conformer à toutes les mesures de police, d'hygiène, et d'installation qui seraient imposées aux bâtiments Français.

XXIII. Le règlement de travail de la Martinique servira de base à tous les règlements des colonies Françaises dans lesquelles les émigrants Indiens, sujets de Sa Majesté Britannique, pourront être introduits.

Le Gouvernement Français s'engage à n'apporter à ce règlement aucune modification qui aurait pour conséquence ou de placer les dits sujets Indiens dans une position exceptionnelle, ou de leur imposer des conditions de travail plus dures que celles stipulées par le dit règlement.

XXIV. La présente Convention s'applique à l'émigration

the colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other colonies in which British Consular Agents shall be established.

XXV. The provisions of the present Convention relative to Indian subjects of Her Britannic Majesty shall apply to the natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

XXVI. The present Convention shall begin to take effect on the 1st of July, 1862 ; its duration is fixed at three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of July of the third year, and then notice can be given only in the course of the month of July of each succeeding year.

In case of such notice being given, it shall cease 18 months afterwards.

Nevertheless the Governor-General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British colonies, have the power to suspend at any time emigration to any one or more of the French colonies, in the event of his having reason to believe that in any such colony proper measures have not been taken for the protection of the emigrants

aux colonies de la Réunion, de la Martinique, de la Guadeloupe et dépendances, et de la Guyane.

Elle pourra ultérieurement être appliquée à l'émigration pour d'autres colonies dans lesquelles des Agents Consulaires Britanniques seraient institués.

XXV. Les dispositions de la présente Convention relatives aux Indiens sujets de Sa Majesté Britannique sont applicables aux natifs de tout Etat Indien placé sous la protection ou le contrôle politique de Sa dite Majesté, ou dont le Gouvernement aura reconnu la suprématie de la Couronne Britannique.

XXVI. La présente Convention commencera à courir à partir du 1er Juillet, 1862 ; sa durée est fixée à trois ans et demi. Elle restera de plein droit en vigueur si elle n'est pas dénoncée dans le courant du mois de Juillet de la troisième année, et ne pourra plus être dénoncée que dans le courant du mois de Juillet de chacune des années suivantes.

Dans le cas de dénonciation, elle cessera 18 mois après.

Néanmoins, le Gouverneur-Général de l'Inde Britannique en son Conseil aura, conformément à l'Acte du 19 Septembre, 1856, relatif à l'immigration aux colonies Britanniques, la faculté de suspendre, en tout temps, l'émigration pour une ou plusieurs des colonies Françaises, dans le cas où il aurait lieu de croire que dans cette ou ces colonies les mesures convenables n'ont pas été prises, soit

immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return passage to India for any such emigrants at or about the time at which they are entitled to such return passage.

In case, however, the power thus reserved to the Governor-General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return passage to India.

XXVII. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in 4 weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord 1861.

pour la protection des émigrants immédiatement à leur arrivée ou pendant le temps qu'ils y ont passé, soit pour leur retour en sûreté dans l'Inde, soit pour les pourvoir du passage de retour à l'époque à laquelle ils y ont droit.

Dans le cas, cependant, où il serait fait usage, à quelque moment que ce soit, de la faculté ainsi réservée au Gouverneur-Général de l'Inde Britannique, le Gouvernement Français aura le droit de mettre fin immédiatement à la Convention toute entière, s'il juge convenable d'agir ainsi.

Mais en cas de cessation de la présente Convention par quelque cause que ce soit, les stipulations qui sont relatives aux sujets Indiens de Sa Majesté Britannique introduits dans les Colonies Françaises resteront en vigueur pour les dits sujets Indiens jusqu'à ce qu'ils aient été rapatriés, ou qu'ils aient renoncé à leur droit à un passage de retour dans l'Inde.

XXVII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de 4 semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 1er Juillet, de l'an de grace 1861.

(L.S.) COWLEY.

(L.S.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African emigrants should be introduced into the Island of Réunion, that colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July, 1860,* between Her Majesty and His Majesty the Emperor of the French, authorized the colony of Réunion to recruit 6,000 labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L.S.) COWLEY.

(L.S.) THOUVENEL.

ARTICLE ADDITIONNEL.

Sa Majesté l'Empereur des Français ayant fait connaître que par suite de l'ordre qu'il a donné depuis longtemps de ne plus introduire d'émigrants Africains dans l'Île de la Réunion, cette Colonie a dû, dès l'année dernière, chercher des travailleurs dans les Indes et en Chine; et Sa Majesté Britannique, par une Convention signée le 25 Juillet, 1860,* entre Sa Majesté et Sa Majesté l'Empereur des Français, ayant autorisé la Colonie de la Réunion à recruter 6,000 travailleurs dans ses possessions Indiennes, il est convenu que la Convention de ce jour sera applicable immédiatement à la dite colonie de la Réunion.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré, mot pour mot, dans la Convention signée aujourd'hui. Il sera ratifié, et les ratifications seront échangées en même temps que celles de la Convention.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 1er Juillet, 1861.

ANNEX.

Note from M. Thouvenel to Earl Cowley.

M. L'AMBASSADEUR,

Paris, le 1 Juillet, 1861.

L'EMPEREUR a, comme vous le savez, par une Déclaration en

date de ce jour, fait connaître sa volonté de mettre fin au recrutement de travailleurs noirs sur la côte d'Afrique par voie de rachat. J'ai pensé que votre Excellence désirerait pouvoir envoyer à son Gouvernement le texte même de la lettre écrite à ce sujet par Sa Majesté Impériale à M. le Ministre de la Marine et des Colonies, et j'ai en conséquence l'honneur de vous en communiquer ci-jointe une copie.

Agréer, &c.

Le Comte Cowley.

THOUVENEL.

(Inclosure.)—The Emperor of the French to the Minister of Marine and of the Colonies.

M. LE MINISTRE,

Fontainebleau, le 1 Juillet, 1861.

DEPUIS l'émancipation des esclaves, nos colonies ont cherché à se procurer des travailleurs sur les côtes d'Afrique, par voie de rachat et au moyen de contrats d'engagement qui assurent aux nègres un salaire pour le travail qu'ils exécutent. Ces engagements sont faits pour 5 ou 7 années, après lesquelles les travailleurs sont gratuitement rapatriés, à moins qu'ils ne préfèrent se fixer dans la colonie, et, en ce cas, ils sont admis à y résider au même titre que les autres habitants.

Ce mode de recrutement, il faut le reconnaître, diffère complètement de la Traite ; en effet, tandis que celle-ci avait pour origine et pour but l'esclavage, celui-là, au contraire, conduit à la liberté. Le nègre esclave, une fois engagé comme travailleur, est libre, et n'est tenu à d'autres obligations que celles qui résultent de son contrat.

Toutefois, des doutes se sont élevés quant aux conséquences que ces engagements peuvent avoir sur les populations Africaines. On s'est demandé si le prix de rachat ne constituait pas une prime à l'esclavage.

Déjà, en 1859, j'ai ordonné de faire cesser tout recrutement sur la côte Orientale d'Afrique, où il avait présenté des inconvénients ; puis, j'ai prescrit de restreindre ces sortes d'opérations sur la côte Occidentale. Enfin, j'ai voulu qu'on examinât avec le plus grand soin toutes les questions que soulève l'émigration Africaine.

Aujourd'hui, je signe un Traité avec la Reine de la Grande Bretagne, par lequel Sa Majesté Britannique consent à autoriser dans les provinces de l'Inde soumises à sa couronne l'engagement de travailleurs pour nos colonies, aux mêmes conditions que celles observées pour les colonies Anglaises.

Nous devons donc trouver dans l'Inde, dans les possessions Françaises de l'Afrique, et dans les contrées où l'esclavage est proscrit, tous les travailleurs libres dont nous avons besoin. Dans

de pareilles circonstances, je désire que le recrutement Africain, par voie de rachat, soit complètement abandonné par le commerce Français à partir du jour où le Traité conclu avec Sa Majesté Britannique commencera à recevoir son exécution, et pendant tout le temps de sa durée. Si ce Traité venait à cesser d'exister, ce ne serait qu'en vertu d'une autorisation expresse que ce recrutement, s'il était reconnu indispensable et sans inconvénient, pourrait être repris.

Vous voudrez donc bien prendre les mesures nécessaires pour que cette décision reçoive son effet à partir du 1er Juillet, 1862, et que l'introduction des nègres recrutés postérieurement à cette époque sur la côte d'Afrique soit interdite dans nos colonies.

Sur ce, &c.

NAPOLÉON.

CONVENTION between Great Britain and France, additional to the Convention of September 24, 1856, relative to Communication by Post.—Signed at London, July 2, 1861.*

[Ratifications exchanged at London, August 2, 1861.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, being desirous to facilitate the exchange of patterns of merchandize and of legal documents between the two countries, by means of the posts of their respective dominions, have agreed to regulate this matter by a special Convention, and have named as their Plenipotentiaries for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Lord John Russell, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of the Parliament of the United Kingdom, Her Britannic Majesty's Principal Secretary of State for

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, désirant faciliter l'échange des échantillons de marchandises et des papiers d'affaires entre les deux pays par l'intermédiaire des postes de leurs Etats respectifs, sont convenus de régler ce point par une Convention spéciale, et ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Lord John Russell, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement du Royaume Uni, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ; et le Très

* Vol. XLVI. Page 195.

[1860-61. LI.]

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Foreign Affairs; and the Right Honourable Edward John Lord Stanley of Alderley, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Britannic Majesty's Postmaster-General;

And His Majesty the Emperor of the French, his Excellency the Count de Flahault de la Billarderie, General of Division, a Senator, Grand Cross of the Imperial Order of the Legion of Honour, &c., His Imperial Majesty's Ambassador Extraordinary to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. Patterns of no intrinsic value, photographs, commercial and legal documents, printed, engraved, or lithographed works, bearing either corrections or manual notes, and all other papers in manuscript, which shall be forwarded, as well from France and Algeria to the United Kingdom of Great Britain and Ireland and to the Island of Malta, as from the United Kingdom of Great Britain and Ireland and from the Island of Malta to France and Algeria, shall enjoy, under the conditions mentioned in Article II following, the reductions of postage granted by Article XIX of the Convention of the 24th September, 1856, to printed papers bearing no manual mark.

Honorable Edward John Lord Stanley of Alderley, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Maître Général des Postes de Sa Majesté Britannique;

Et Sa Majesté l'Empereur des Français, son Excellence le Comte de Flahault de la Billarderie, Général de Division, Sénateur, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, &c., Ambassadeur Extraordinaire de Sa Majesté Impériale près Sa Majesté Britannique;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:

ART. I. Les échantillons sans valeur intrinsèque, les photographies, les papiers de commerce ou d'affaires, les ouvrages imprimés, gravés, lithographiés, ou autographiés, portant soit des corrections, soit des notes à la main, et tous autres papiers manuscrits, qui seront expédiés, tant de la France et de l'Algérie pour le Royaume Uni de la Grande Bretagne et d'Irlande et pour l'Île de Malte, que du Royaume Uni de la Grande Bretagne et d'Irlande et de l'Île de Malte pour la France et l'Algérie, jouiront, sous les conditions exprimées dans l'Article II ci-après, des modérations de taxe accordées par l'Article XIX de la Convention du 24 Septembre, 1856, aux imprimés ne portant aucun signe à la main.

II. In order to enjoy the benefit of the stipulations of the preceding Article, the articles referred to in the said Article must be prepaid to destination ; must be under bands or made up in such a manner that they may be easily examined in the Post Offices through which they shall be forwarded ; and must not contain any letter, or note of the nature of a letter, or which could serve as such.

Such of the articles as do not fulfil the conditions fixed above, shall be considered as letters, and treated accordingly.

III. The present Convention, which shall be considered as additional to the Convention of the 24th September, 1856, shall be ratified ; the ratifications shall be exchanged as soon as possible ; and it shall be carried into execution from the day on which the respective General Post Offices of the Contracting Parties shall agree, by mutual consent, that the stipulations thereof shall take effect.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 2nd day of July, in the year of our Lord 1861.

(L.S.) J. RUSSELL.

(L.S.) STANLEY OF

ALDERLEY.

(L.S.) FLAHAULT.

II. Pour profiter du bénéfice des dispositions de l'Article précédent, les objets désignés dans le dit Article devront être affranchis jusqu'à destination ; être placés sous bandes ou de manière à pouvoir être facilement examinés dans les Bureaux de Poste par l'intermédiaire desquels ils seront acheminés ; et ne contenir aucune lettre ou note ayant le caractère d'une correspondance, ou pouvant en tenir lieu.

Ceux de ces objets qui ne rempliront pas les conditions ci-dessus fixées, seront considérés comme lettres et traités en conséquence.

III. La présente Convention, qui sera considérée comme additionnelle à la Convention du 24 Septembre, 1856, sera ratifiée ; les ratifications en seront échangées aussitôt que faire se pourra ; et elle sera mise à exécution à partir du jour où les Directions-Générales des Postes des Parties Contractantes seront convenues, par un consentement mutuel, que les stipulations en devront avoir leur effet.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Londres, en double original, le 2^me jour du mois de Juillet, de l'an de grâce 1861.

(L.S.) J. RUSSELL.

(L.S.) STANLEY OF

ALDERLEY.

(L.S.) FLAHAULT.

TREATY between Great Britain and Hesse, for the Marriage of Her Royal Highness the Princess Alice Maud Mary with His Grand Ducal Highness the Prince Frederick William Lewis Charles of Hesse.—Signed at London, August 14, 1861.

[Ratifications exchanged at Darmstadt, September 10, 1861.]

In the Name of the Holy and
Blessed Trinity.

BE it known unto all men by these presents, that whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part, and His Royal Highness the Grand Duke of Hesse and "bei Rhein," &c., on the other part, being already connected by ties of friendship, have judged it proper that an alliance should be contracted between the family of Her Majesty and that of His Royal Highness, by a marriage agreed to on both sides, between Her Royal Highness the Princess Alice Maud Mary, a Princess of the United Kingdom of Great Britain and Ireland, and Duchess of Saxony, second daughter of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Royal Highness the Prince Consort, Prince Albert of Saxe-Cobourg and Gotha, and His Grand-Ducal Highness the Prince Frederick William Lewis Charles of Hesse, son of His Grand-Ducal Highness the Prince Charles William Lewis of Hesse, the nephew of His Royal Highness the Grand Duke of Hesse;

The two High Betrothed Parties, as also His Royal Highness

Im Namen der Heiligen Hochgelobten
Dreieinigkeit!

Es wird hierdurch kund und zu wissen gethan: Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland einerseits, und Seine Königliche Hoheit der Großherzog von Hessen und bei Rhein, u., andererseits, bereits durch Bande der Freundschaft verknüpft, haben für angemessen erachtet, zwischen der Familie Ihrer Majestät der Königin von Großbritannien und Irland, und der Seiner Königlichen Hoheit des Großherzogs eine Verbindung zu schließen durch ein von beiden Seiten verabredetes Ehebündniß zwischen Ihrer Königlichen Hoheit der Prinzessin Alice Maud Mary, einer Prinzessin des Vereinigten Königreichs von Großbritannien und Irland, und Herzogin zu Sachsen, zweiter Tochter Ihrer Majestät der Königin des Vereinigten Königreichs von Großbritannien und Irland, und Seiner Königlichen Hoheit des Prinzen-Gemahls, Prinzen Albert von Sachsen-Coburg und Gotha, und Seiner Großherzoglichen Hoheit dem Prinzen Friedrich Wilhelm Ludwig Carl von Hessen, Sohn Seiner Großherzoglichen Hoheit des Prinzen Carl Wilhelm Ludwig von Hessen und Neffen Seiner Königlichen Hoheit des Großherzogs von Hessen.

Nachdem auch beide Höchste Verlobte, sowie Seine Königliche Hoheit

the Prince Consort, Prince Albert of Saxe-Cobourg and Gotha, and His Grand-Ducal Highness the Prince Charles William Lewis of Hesse, and His Grand-Ducal Highness's Consort, Her Royal Highness the Princess Maria Elizabeth Caroline Victoria of Hesse, a Princess of Prussia, having declared their consent to such alliance; in order, therefore, to attain so desirable an end, and to treat upon, conclude, and confirm the Articles of the said marriage, Her Britannic Majesty, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other, have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Reverend Father in God John Bird, Archbishop of Canterbury, Primate of all England, and Metropolitan, a Member of Her Majesty's Most Honourable Privy Council; the Right Honourable Richard Lord Westbury, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Her Chancellor of Great Britain; the Right Honourable Granville George Earl Granville, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, President of Her Majesty's Most Honourable Privy Council; the Right Honourable Henry Pelham, Duke of Newcastle, Earl of Lincoln, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a

der Prinz-Gemahl, Prinz Albert von Sachsen-Coburg und Gotha, und Seine Großherzogliche Hoheit der Prinz Carl Wilhelm Ludwig von Hessen und Höchstseffen Gemahlin, Ihre Königliche Hoheit die Prinzessin Marie Elisabeth Caroline Victoria von Hessen, Prinzessin von Preußen, Höchstihre Zustimmung zu solcher Verbindung erklärt,—haben deshalb zur Erreichung dieses wünschenswerthen Zieles und zur Vereinbarung, Beschließung und Annahme der Artikel des beregten Ehebündnisses, Ihre Großbritannische Majestät einerseits und Seine Königliche Hoheit der Großherzog von Hessen andererseits, Bevollmächtigte ernannt, nämlich:

Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland, den Hochwürdigsten Vater in Gott, John Bird, Erzbischof von Canterbury, Primas von ganz England und Metropolitan, Mitglied des Geheimen Raths Ihrer Majestät; den sehr ehrenwerthen Richard Lord Westbury, Pair des Vereinigten Königreichs, Mitglied des Geheimen Raths Ihrer Majestät, und Ihren Kanzler von Großbritannien; den sehr ehrenwerthen Granville George, Grafen Granville, Pair des Vereinigten Königreichs, Ritter des Ordens vom Hosenbande, Präsidenten des Geheimen Raths Ihrer Majestät; den sehr ehrenwerthen Henry Pelham, Herzog von Newcastle, Grafen von Lincoln, Pair des Vereinigten Königreichs, Ritter des Ordens vom Hosenbande, Mitglied des Geheimen Raths Ihrer Majestät, und einen von Ihrer Majestät Ersten Staats-

Member of Her Majesty's Most Honourable Privy Council, one of Her Majesty's Principal Secretaries of State; the Right Honourable John Earl Russell, Viscount Amberley of Amberley and of Ardsalla, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, one other of Her Majesty's Principal Secretaries of State; the Right Honourable Henry John Viscount Palmerston, a Peer of that part of the United Kingdom called Ireland, Knight of the Most Noble Order of the Garter, and Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Her Majesty's Most Honourable Privy Council, a Member of Parliament, First Commissioner of Her Majesty's Treasury; the Right Honourable Sir George Cornwall Lewis, Baronet, a Member of Her Majesty's Most Honourable Privy Council, a Member of Parliament, one other of Her Majesty's Principal Secretaries of State; the Right Honourable Sir Charles Wood, Baronet, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, one other of Her Majesty's Principal Secretaries of State; the Right Honourable Sir George Grey, Baronet, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, the other of Her Majesty's

Secretären; den sehr ehrenwerthen John Grafen Russell, Viscount Amberley von Amberley und von Ardsalla, Pair des Vereinigten Königreichs, Mitglied des Geheimen Rathes Ihrer Majestät, einen von Ihrer Majestät Ersten Staats-Secretären; den sehr ehrenwerthen Henry John Viscount Palmerston, Pair von Irland, Ritter des Hosenband-Ordens und Großkreuz des Bath-Ordens, Mitglied des Geheimen Rathes Ihrer Majestät, Parlamentsmitglied, ersten Commissär der Schatzkammer Ihrer Majestät; den sehr ehrenwerthen Sir George Cornwall Lewis, Baronet, Mitglied des Geheimen Rathes Ihrer Majestät, Parlamentsmitglied, einen von Ihrer Majestät Ersten Staats-Secretären; den sehr ehrenwerthen Sir Charles Wood, Baronet, Mitglied des Geheimen Rathes Ihrer Majestät, Großkreuz des Bath-Ordens, Parlamentsmitglied, und einen von Ihrer Majestät Ersten Staats-Secretären; den sehr ehrenwerthen Sir George Grey, Baronet, Mitglied des Geheimen Rathes Ihrer Majestät, Großkreuz des Bath-Ordens, Parlamentsmitglied, und einen von Ihrer Majestät Ersten Staats-Secretären; und den sehr ehrenwerthen William Earl Gladstone, Mitglied des Geheimen Rathes Ihrer Majestät, Parlamentsmitglied, und Kanzler der Schatzkammer Ihrer Majestät;

Principal Secretaries of State; and the Right Honourable William Ewart Gladstone, a Member of Her Majesty's Most Honourable Privy Council, a Member of Parliament, Chancellor and Under Treasurer of Her Majesty's Exchequer;

And His Royal Highness the Grand Duke of Hesse, His Excellency the Count Charles von Schlitz, called von Görtz, His Royal Highness's Major-General à la suite, His Envoy Extraordinary and Minister Plenipotentiary to the Royal Courts of Saxony and Hanover, a Peer of the Grand Duchy of Hesse, Grand Cross of His Highness's Order of Merit of Philip the Magnanimous, and of the Ducal Order of Henry the Lion of Brunswick, Knight of the Order of St. John of the Hospital of Jerusalem, His Royal Highness's Envoy Extraordinary and Minister Plenipotentiary on an Extraordinary Mission to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ART. I. It is concluded and agreed that the marriage between Her Royal Highness the Princess Alice Maud Mary, a Princess of the United Kingdom of Great Britain and Ireland, and Duchess of Saxony, second daughter of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Royal

Und Seine Königliche Hoheit der Großherzog von Hessen: Seine Erlauchtheit den Grafen Carl von Schlitz, genannt von Görtz, Allerhöchst-Ihren General-Major à la suite, und außerordentlichen Gesandten und bevollmächtigten Minister bei dem Königlich Sächsischen und dem Königlich Hanoverschen Hofe, Standesherrn des Großherzogthums Hessen, Großkreuz Allerhöchst-Ihres Verdienstordens Philipps des Großmüthigen, sowie des Herzoglich Braunschweigischen Ordens Heinrichs des Löwen, Rechtsritter des Ordens St. Johannis vom Spital zu Jerusalem, Allerhöchst-Ihren außerordentlichen Gesandten und bevollmächtigten Minister in außerordentlicher Mission am Königlich Großbritannischen Hofe;

Welche, nach geschehener Auswechslung ihrer in guter und gehöriger Form befundenen Vollmachten, über folgende Artikel übereingekommen sind, und dieselben abgeschlossen haben:

Art. I. Es ist beschlossen und vereinbart, daß die Vermählung zwischen Ihrer Königlichen Hoheit der Prinzessin Alice Maud Mary, einer Prinzessin des Vereinigten Königreichs von Großbritannien und Irland, und Herzogin zu Sachsen, zweiter Tochter Ihrer Majestät der Königin des Vereinigten Königreichs von Großbritannien und Irland und

Highness the Prince Consort, Prince Albert of Saxe-Coburg and Gotha, and His Grand-Ducal Highness the Prince Frederick William Lewis Charles of Hesse, son of His Grand-Ducal Highness the Prince Charles William Lewis of Hesse, and nephew of His Royal Highness the Grand Duke of Hesse, shall be solemnized in person, in that part of the United Kingdom of Great Britain and Ireland called Great Britain, according to the due tenor of the laws of England, and the rites and ceremonies of the Church of England, as soon as the same may conveniently be done.

II. The expenses of the joint establishment of their Royal and Grand-Ducal Highnesses shall be defrayed out of the appanage of His Grand-Ducal Highness the Prince Frederick William Lewis Charles of Hesse, which is fixed by His Royal Highness the Grand Duke of Hesse at 40,000 florins, South German currency, a year.

III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland will give to Her Royal Highness the Princess Alice Maud Mary a marriage portion of 30,000 pounds sterling, the interest and produce of which shall serve as an aid towards defraying the expenses of the joint establishment of their Royal and Grand-Ducal Highnesses.

IV. The whole of the said marriage portion shall be placed in the English funds in the names of Commissioners to be jointly named and empowered for that

Seiner Königlichen Hoheit des Prinzen-Gemahls, Prinzen Albert von Sachsen-Coburg und Gotha, und Seiner Großherzoglichen Hoheit dem Prinzen Friedrich Wilhelm Ludwig Carl von Hessen, Sohn Seiner Großherzoglichen Hoheit des Prinzen Carl Wilhelm Ludwig von Hessen und Neffen Seiner Königlichen Hoheit des Großherzogs von Hessen, in dem Großbritannien genannten Theile des Vereinigten Königreichs von Großbritannien und Irland, nach Vorschrift der Gesetze Englands, und nach dem Ritus und den Ceremonien der Englischen Kirche, sobald es sich thun läßt, persönlich gefeiert werden soll.

II. Die Kosten der gemeinschaftlichen Hofhaltung Ihrer Königlichen und Großherzoglichen Hoheiten werden auf die Apanage Seiner Großherzoglichen Hoheit des Prinzen Friedrich Wilhelm Ludwig Carl von Hessen übernommen, welche von Seiner Königlichen Hoheit dem Großherzoge von Hessen auf jährlich 40,000 Gulden süddeutscher Währung festgesetzt ist.

III. Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland wird Ihrer Königlichen Hoheit der Prinzessin Alice Maud Mary eine Mitgift von 30,000 Pfund Sterling geben, deren Zinsen und Einkünfte als Beihülfe zur Bestreitung der Kosten der gemeinschaftlichen Hofhaltung Ihrer Königlichen und Großherzoglichen Hoheiten dienen sollen.

IV. Der Gesamtbetrag der besagten Mitgift soll in den Englischen Fonds auf den Namen von Bevollmächtigten angelegt werden, welche zu diesem Zwecke durch Ihre Groß-

purpose by Her Britannic Majesty and by His Royal Highness the Grand Duke of Hesse, with the power to lay out one-half of it in real securities in England or in Hesse, when such securities, approved by Her Majesty and His Royal Highness, shall be found.

The interest and produce arising from the said marriage portion of 30,000*l.* sterling shall be paid every 6 months to the person or persons duly authorized to receive the same on the part of their Grand-Ducal and Royal Highnesses the Prince and Princess during their joint lives. In the event of the decease of either, the survivor shall enjoy the interest and produce for his or her life. After the decease of both, the capital and interest shall be disposed of according to the stipulations contained in Articles V and VI of the present Treaty.

V. In case there shall be any children from this marriage, whether two or more, the marriage portion shall, after the decease of both Prince and Princess, be equally divided between such of those children, without distinction of sex or age, as shall attain the age of 18 years, or, not having attained that age, shall marry. If there be but one child who shall attain the age of 18 years,

britannische Majestät und Seine Königliche Hoheit den Großherzog von Hessen gemeinschaftlich zu ernennen und zu bevollmächtigen sind mit der Ermächtigung, eine Hälfte der Mitgift gegen reale Sicherheiten in England oder in Hessen anzulegen, wenn solche Sicherheiten mit der Billigung Ihrer Majestät der Königin und Seiner Königlichen Hoheit des Großherzogs werden gefunden werden.

Die Interessen und Erträge der besagten Mitgift von 30,000 Pfund Sterling sollen alle 6 Monate derjenigen Person oder denjenigen Personen gezahlt werden, welche von Seiten Ihrer Großherzoglichen und Königlichen Hoheiten des Prinzen und der Prinzessin während beider Lebzeiten zur Empfangnahme derselben werden gehörig ermächtigt werden. Im Sterbefalle des einen oder anderen Theiles, soll der oder die Ueberlebende die Interessen und Erträge während seiner oder ihrer Lebenszeit genießen. Nach dem Ableben beider Durchlauchtigsten Ehegatten soll mit dem Capitale und den Interessen nach Maßgabe der in den Artikeln V und VI dieses Vertrags vereinbarten Bestimmungen verfahren werden.

V. In dem Falle, daß aus dieser Ehe Kinder hervorgehen, gleichviel ob zwei oder mehrere, soll die Mitgift nach dem erfolgten beiderseitigen Ableben des Prinzen und der Prinzessin gleichmäßig zwischen denjenigen Kindern, ohne Unterschied des Geschlechts oder Alters, vertheilt werden, welche das 18te Jahr vollenden, oder die vor vollendetem 18ten Jahre heirathen. Ist nur ein Kind vorhanden, welches das 18te Jahr vollendet, oder (als

or (being the only child) shall marry before attaining that age, the whole portion shall go to that child, whether son or daughter.

In case, after the death of the Prince and Princess, there should be any princely issue existing of any deceased child or children of this marriage, then such princely issue shall receive equally among them such part of the portion as would have fallen to their father or mother if these had survived the Prince and Princess.

VI. In case there shall be no child of the marriage who shall attain the age of 18 years, or marry before attaining that age, then, if the Prince shall die in the lifetime of the Princess, the capital shall be transferred to Her Royal Highness. But if the Princess shall die in the lifetime of the Prince, the capital shall (subject to the life-interest of the Prince) be disposed of as Her Royal Highness may have appointed, notwithstanding her married state; or, if Her Royal Highness should have made no disposition of it, then after the death of the Prince it shall pass to the next of kin of the Princess, according to the rules of the English law, as if Her Royal Highness had died intestate and unmarried.

VII. Her Britannic Majesty promises to secure to Her Royal Highness the Princess Alice Maud Mary, from the time of her marriage to Her Royal High-

einziges Kind) vorher heirathet, so erhält dieses Kind, gleichviel ob Sohn oder Tochter, die ganze Mitgift.

In dem Falle, daß nach erfolgtem Ableben des Prinzen und der Prinzessin fürstliche Nachkommen von einem oder mehreren vorher verstorbenen Kindern aus dieser Ehe vorhanden wären, so erhalten diese fürstlichen Nachkommen nach Stämmen dasjenige von der Mitgift zugetheilt, was ihrem Vater oder ihrer Mutter davon gebührt hätte, wenn derselbe oder dieselbe erst nach dem Ableben des Prinzen und der Prinzessin verstorben wären.

VI. In dem Falle daß aus dieser Ehe kein Kind hervorgeht, welches das 18te Jahr erreicht oder früher heirathet, soll, wenn der Prinz bei Lebzeiten der Prinzessin stirbt, das Capital auf Ihre Königliche Hoheit übergehen. Stirbt aber die Prinzessin bei Lebzeiten des Prinzen, so soll über das Capital (dessen Interessen der Prinz während seiner Lebensdauer genießt) so verfügt werden, als Ihre Königliche Hoheit, ungeachtet Ihres ehelichen Standes, bestimmt haben mag, oder, wenn Ihre Königliche Hoheit keine Verfügung darüber getroffen haben sollte, so soll es nach dem Tode des Prinzen auf den nächsten Blutsverwandten der Prinzessin nach den Bestimmungen des Englischen Gesetzes übergehen, als wenn Ihre Königliche Hoheit ohne Testament und unvermählt gestorben wäre.

VII. Ihre Großbritannische Majestät verspricht Ihrer Königlichen Hoheit der Prinzessin Alice Maud Mary von dem Zeitpunkte der Vermählung Höchsterseiben ab, bis zum

ness's decease, the annual sum of 6,000*l.* sterling, to be paid quarterly to Commissioners named for that purpose by Her Britannic Majesty, to be by them received for the sole and separate use of the said Princess, notwithstanding her married state; and which annual sum of 6,000*l.* sterling, so payable quarterly, the said Princess shall not have power, either separately or conjointly with His Grand-Ducal Highness the Prince, to alienate, mortgage, or receive or direct to be paid by way of anticipation; but the same shall from time to time, as the same shall become due, be paid and payable into the proper hands of the said Princess alone, upon her own sole receipt, or to such person or persons to whom she shall, by writing signed by herself alone from time to time, as the same shall become due, direct and order the same to be paid, or whom she shall otherwise authorize to receive the same on her sole behalf.

VIII. In consideration of this marriage, His Royal Highness the Grand Duke of Hesse engages to secure to Her Royal Highness the Princess Alice Maud Mary, in case she should have the misfortune to become the widow of His Grand-Ducal Highness the Prince Frederick William Lewis Charles of Hesse, a jointure suitable to the circumstances, until the decease of Her Royal Highness, so long as she

Ableben Ihrer Königlichen Hoheit, die jährliche Summe von 6,000 Pfund Sterling zu gewähren, vierteljährlich zahlbar an Commissarien, welche Ihre Großbritannische Majestät zu dem Zwecke ernannt, jene Summe zu dem einzigen und alleinigen Gebrauch der genannten Prinzessin, ungeachtet Ihres verheiratheten Standes, in Empfang zu nehmen, und diese jährliche Summe von 6,000 Pfund Sterling, vierteljährlich zahlbar, soll die gedachte Prinzessin keine Macht haben, weder einseitig noch in Gemeinschaft mit Seiner Großherzoglichen Hoheit dem Prinzen, zu veräußern, zu verpfänden oder vorweg zu erheben oder erheben zu lassen, sondern es soll diese Summe in den bestimmten Zeitabschnitten, wie sie fällig wird, gezahlt werden, und zahlbar sein, zu eigenen Händen der gedachten Prinzessin allein, gegen Ihre eigene alleinige Quittung, oder an solche Person oder Personen, an welche dieselbe zu zahlen Sie von Zeit zu Zeit, wie dieselbe fällig wird, durch ein von Ihr selbst allein unterzeichnetes Schreiben anweisen und befehlen, oder welche Sie sonst zur Empfangnahme derselben in Ihrem alleinigen Namen ermächtigen wird.

VIII. In Anbetracht dieses Ehebündnisses verpflichtet sich Seine Königliche Hoheit der Großherzog von Hessen, Ihrer Königlichen Hoheit der Prinzessin Alice Maud Mary, im Falle Höchstdieselbe das Unglück haben sollte, die Wittve Seiner Großherzoglichen Hoheit des Prinzen Friedrich Wilhelm Ludwig Carl von Hessen zu werden, ein den Verhältnissen entsprechendes Wittthum bis zum Ableben Ihrer Königlichen Hoheit zu gewähren, so lange Höchst-

shall not enter upon a second marriage. Such jointure, according as his Grand-Ducal Highness the Prince may die during the lifetime of His Royal Highness the Grand Duke, and also of His Grand-Ducal Highness the Prince Charles William Lewis of Hesse, or after he shall have become immediate successor to the Grand Dukedom, shall, in the former case consist of a yearly revenue of 20,000 florins, South-German currency, and in the latter case, of a yearly revenue of 40,000 florins, South-German currency.

Together with such jointure, Her Royal Highness will, in either of the aforesaid cases, receive the interest of her marriage portion; and a residence at Darmstadt suited to her exalted rank, and completely furnished according to the usage prevailing in the Grand-Ducal House of Hesse, shall be assured to her as Dowager-residence.

In the event of the Princess becoming Grand Duchess of Hesse, Her Royal Highness will receive from the Grand Duke the same allowances which former Grand Duchesses have usually enjoyed; and in the event of the Princess becoming Grand Duchess Dowager, Her Royal Highness will receive the amount of jointure which it is customary to assign to Grand Duchesses Dowager in the Grand-Ducal House of Hesse.

IX. The present Treaty shall be ratified by Her Majesty the Queen of the United Kingdom

Dieselbe nicht zu einer anderweitigen Ehe schreiten wird. Dieses Witthum wird, jenachdem Seine Großherzogliche Hoheit der Prinz bei Lebzeiten Seiner Königlichen Hoheit des Großherzogs von Hessen und zugleich Seiner Großherzoglichen Hoheit des Prinzen Carl von Hessen, oder nachdem Höchst-Derselbe unmittelbarer Thronfolger im Großherzogthum geworden sein wird, das Zeitliche verlassen möchte, bestehen: im ersten Falle in einer Rente von jährlich 20,000 Gulden süddeutscher Währung, im zweiten Falle in einer Rente von jährlich 40,000 Gulden süddeutscher Währung.

Neben diesem Witthum wird Ihre Königliche Hoheit in jedem der gedachten Fälle die Zinsen Höchst-Ihrer Mitgift beziehen, auch eine Ihrem hohen Range angemessene und völlig eingerichtete Wohnung zu Darmstadt, sowie es in dem Großherzoglich Hessischen Hause hergebracht ist, als Wittwenstz gewährt erhalten.

In dem Falle, daß die Prinzessin Großherzogin von Hessen werden sollte, wird Ihre Königliche Hoheit Seitens des Großherzogs dieselben Bewilligungen erhalten, welche für frühere Großherzoginnen gebräuchlich waren; und falls die Prinzessin Großherzogin-Wittwe werden sollte, so wird Ihre Königliche Hoheit ein Witthum von dem Betrage erhalten, wie es verwittweten Großherzoginnen zu gewähren in dem Großherzoglich Hessischen Hause hergebracht ist.

IX. Dieser Vertrag soll durch Ihre Majestät die Königin des Vereinigten Königreichs von Großbri-

of Great Britain and Ireland, and by His Royal Highness the Grand Duke of Hesse; and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 14th day of August, in the year of our Lord 1861.

(L.S.) J. B. CANTUAR.

(L.S.) WESTBURY, C.

(L.S.) GRANVILLE.

(L.S.) NEWCASTLE.

(L.S.) RUSSELL.

(L.S.) PALMERSTON.

(L.S.) G. C. LEWIS.

(L.S.) CARL GRAF VON
GORTZ.

tannien und Irland, und durch Seine Königl. Hoheit den Großherzog von Hessen ratificirt, und es sollen die Ratifications-Urkunden sobald als möglich ausgewechselt werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet, und mit ihren Wappen unterflegt.

So geschehen zu London, den 14ten Tag des Monats August, im Jahre des Herrn 1861.

(L.S.) J. B. Cantuar.

(L.S.) Westbury, C.

(L.S.) Granville.

(L.S.) Newcastle.

(L.S.) Russell.

(L.S.) Palmerston.

(L.S.) G. C. Lewis.

(L.S.) Carl Graf von Görtz.

CONVENTION between Great Britain and Morocco, relative to a Loan to be raised in London by Morocco.—Signed at Tangier, October 24, 1861.*

[Ratifications exchanged at Tangier, December 20, 1861.]

HIS Majesty the Emperor of Morocco being desirous of raising a loan of 425,000*l.* sterling in London, to enable him to meet his engagements with Her Catholic Majesty, and having requested the good offices of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with a view to facilitate that object; and Her Britannic Majesty having agreed to the request of His Imperial Majesty, their Majesties have resolved to conclude a Convention on the subject, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Hay Drummond Hay, Esquire, Companion of the Most Honourable Order of the Bath, Her Minister Resident at the Court of His Majesty the Sultan of Morocco;

* Signed also in the Arabic language.

And His Majesty the Sultan of Morocco, his officer, the learned Fakes Seed Hadj Abderrahman el Ajee;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:

ART. I. His Majesty the Emperor of Morocco engages that from and after the ratification of the present Convention there shall be paid over to a Commissioner named by Her Britannic Majesty, 50 per cent. of the Custom duties at all the ports of the Empire of Morocco.

Her Britannic Majesty, on her part, engages that 6 weeks before the period at which the half-yearly charges on the loan of 426,000*l.* sterling, which the Emperor of Morocco is about to raise, shall become due, she will transfer to the agent or agents of the contractors for that loan, the sums so to be received by the Commissioner of Her Majesty, or so much thereof as may be sufficient to pay the interest and sinking fund on the said loan, the amount of such sums not exceeding in the aggregate 15 per cent. on the above-mentioned sum of 426,000*l.* sterling. But Her Britannic Majesty shall not be liable for the payment of more than she receives.

In case the sums received should be more than sufficient for such half-yearly payments, the surplus shall be repaid by the British Commissioner to the officers of the Emperor of Morocco, duly authorized to receive the same.

II. When, by means of the payments provided for in the preceding Article, the whole of the loan of 426,000*l.* sterling shall have been repaid, together with the interest due thereon, the Commissioner of Her Britannic Majesty shall cease to receive the 50 per cent. of the Custom duties at the ports above-mentioned, and shall repay to the said officers of the Emperor of Morocco any balance that may be remaining in his hands.

III. The present Convention shall be ratified by Her Majesty the Queen of Great Britain and Ireland, and by His Majesty the Emperor of Morocco, and the ratifications shall be exchanged at Tangier as soon as possible within 40 days from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their respective seals.

Done at Tangier, the 24th day of October, in the year 1861, corresponding to the Moorish date of the 18th day of the month of Rabbea the Second, in the year 1278.

(L.S.) J. H. DRUMMOND HAY.

(Arabic signature of)

(L.S.) HADJ ABDERRAHMAN EL AJEE.

*CONVENTION between Great Britain, Spain and France,
relative to Combined Operations against Mexico.—Signed at
London, October 31, 1861.*

[Ratifications exchanged at London, November 15, 1861.]

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté la Reine d'Espagne, et Sa Majesté l'Empereur des Français, se trouvant placées par la conduite arbitraire et vexatoire des autorités de la République du Mexique dans la nécessité d'exiger de ces autorités une protection plus efficace pour les personnes et les propriétés de leurs sujets, ainsi que l'exécution des obligations contractées envers elles par la République du Mexique, se sont entendues pour conclure entre elles une Convention dans le but de combiner leur action commune, et, à cet effet, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Principal Secrétaire d'Etat de Sa Majesté pour les Affaires Etrangères ;

Sa Majesté la Reine d'Espagne, Don Xavier de Isturiz y Montero, Chevalier de l'Ordre insigne de la Toison d'Or, Grand-Croix de l'Ordre Royal et distingué de Charles III, de l'Ordre Impérial de la Légion d'Honneur de France, des Ordres de la Conception de Villaviciosa et Christ de Portugal, Sénateur du Royaume, ancien Président du Conseil de Ministres et Premier Secrétaire d'Etat de Sa Majesté Catholique, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Et Sa Majesté l'Empereur des Français Son Excellence le Comte de Flahault de la Billarderie, Sénateur, Général de Division, Grand-Croix de la Légion d'Honneur, Ambassadeur Extraordinaire de Sa Majesté Impériale près Sa Majesté Britannique ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont tombés d'accord pour arrêter les Articles suivants :

ART. I. Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté la Reine d'Espagne, et Sa Majesté l'Empereur des Français, s'engagent à arrêter aussitôt après la signature de la présente Convention, les dispositions nécessaires pour envoyer sur les côtes du Mexique des forces de terre et de mer combinées dont l'effectif sera déterminé par un échange ultérieur de communications entre leurs Gouvernements, mais dont l'ensemble devra être suffisant pour pouvoir saisir et occuper les différentes forteresses et positions militaires du littoral Mexicain.

Les Commandants des forces alliées seront, en outre, autorisés à accomplir les autres opérations qui seraient jugées, sur les lieux, les plus propres à réaliser le but spécifié dans le préambule de la présente Convention, et notamment à assurer la sécurité des résidents étrangers.

Toutes les mesures dont il s'agit dans cet Article seront prises, au nom et pour le compte des Hautes Parties Contractantes, sans acception de la nationalité particulière des forces employées à les exécuter.

II. Les Hautes Parties Contractantes s'engagent à ne rechercher pour elles-mêmes, dans l'emploi des mesures coercitives prévues par la présente Convention, aucune acquisition de territoire ni aucun avantage particulier, et à n'exercer, dans les affaires intérieures du Mexique, aucune influence de nature à porter atteinte au droit de la nation Mexicaine de choisir et de constituer librement la forme de son Gouvernement.

III. Une Commission composée de 3 Commissaires, un nommé par chacune des Puissances Contractantes, sera établie avec plein pouvoir de statuer sur toutes les questions que pourrait soulever l'emploi ou la distribution des sommes d'argent qui seront recouvrées au Mexique, en ayant égard aux droits respectifs des 3 Parties Contractantes.

IV. Les Hautes Parties Contractantes désirant, en outre, que les mesures qu'elles ont l'intention d'adopter n'aient pas un caractère exclusif, et sachant que le Gouvernement des Etats Unis a, de son côté, des réclamations à faire valoir, comme elles, contre la République Mexicaine, conviennent qu'aussitôt après la signature de la présente Convention, il en sera communiqué une copie au Gouvernement des Etats Unis ; que ce Gouvernement sera invité à y accéder ; et qu'en prévision de cette accession leurs Ministres respectifs à Washington seront immédiatement munis de pleins pouvoirs à l'effet de conclure et de signer, collectivement ou séparément, avec le Plénipotentiaire désigné par le Président des Etats Unis, une Convention identique, sauf suppression du présent Article, à celle qu'elles signent à la date de ce jour. Mais comme les Hautes Parties Contractantes s'exposeraient, en apportant quelque retard à la mise à exécution des Articles I et II de la présente Convention, à manquer le but qu'elles désirent atteindre, elles sont tombées d'accord de ne pas différer, en vue d'obtenir l'accession du Gouvernement des Etats Unis, le commencement des opérations sus-mentionnées au delà de l'époque à laquelle leurs forces combinées pourront être réunies dans les parages de Vera Cruz.

V. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans le délai de 15 jours.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Londres, en triple original, le 31me jour du mois d'Octobre, de l'an de grace 1861.

(L.S.) RUSSELL.

(L.S.) XAVIER DE ISTURIZ.

(L.S.) FLAHAULT.

CORRESPONDENCE between The United States and Austria, Belgium, Chile, Denmark, France, Hawaiian Islands, Italy, Netherlands, Portugal, Prussia, Russia and Spain, respecting the Civil War in America; the non-recognition of the so-called Confederate States; Maritime Rights in time of War; Privateering; and Neutral Trade.—1861.*

UNITED STATES AND PRUSSIA.

Mr. Wright to Mr. Seward.

(Extract.)

Berlin, May 8, 1861.

I HAVE, since my return, had a long interview with Baron Von Schleinitz, the Minister for Foreign Affairs, who, whilst he expressed the earnest sympathy of his Government with the American people in their present troubles, not only because of the effect of such disturbances upon the commerce of Europe, but also on account of the intimate relations between the two countries, owing to the presence of a large German population in The United States, gave me the most positive assurance that his Government, from the principle of unrelenting opposition to all revolutionary movements, would be one of the last to recognize any *de facto* Government of the disaffected States of the American Union.

The news of to-day has exerted the most unhappy influence upon the Americans here, and the universal sentiment is a profound desire and a hope for the restoration of peace in The United States.

JOSEPH A. WRIGHT.

Mr. Wright to Mr. Seward.

(Extract.)

Berlin, May 15, 1861.

THE proclamation of the President was received by the previous mail, and the subject has received due consideration.

On receipt of your circular dated the 20th of April, I immediately called upon Baron de Schleinitz, Minister of Foreign Affairs, who

* Laid before Parliament, with other Correspondence, in 1862.

had received the proclamation of the President, and he at once promptly informed me that, in his opinion, no apprehension need be entertained as to Prussian subjects engaging under the authority of the so-called Confederate States in fitting out privateers, or in any manner interfering with our commerce. Prussia has but few ports. Hers is not a sea-faring people, and the sympathies of the Government and of the people are with The United States. Whatever danger may be apprehended on this subject must come from Bremen, Hamburg, and other ports situated in Oldenburg, Hanover, &c. Due vigilance will be used to prevent any such unlawful interference, and if any such be detected the proper authorities will be promptly advised thereof, and every effort will be made to suppress it. Not knowing whether your circular has been sent to the Consuls, I have forwarded copies to several already.

JOSEPH A. WRIGHT.

Mr. Wright to Mr. Seward.

(Extract.)

Berlin, May 26, 1861.

ENCLOSED is a copy of a recent communication to the Minister of Foreign Affairs. Prussia will take efficient steps to sustain the Government of The United States in the protection of property and commerce, and will do all she can, consistently with her obligations to other Governments, to sustain the vigorous action of our Government in maintaining law and order.

The Minister of Foreign Affairs, Baron Von Schleinitz, informed me yesterday that it was the intention of the Government to issue a proclamation touching these questions.

The Government and people are, in spirit and feeling, with us. I am in the receipt of hundreds of letters and personal calls seeking positions in the American army, and asking for means of conveyance to our shores. So numerous, indeed, are the applications, that I have been compelled to place on the doors of the Legation a notice to the purport that "This is the Legation of The United States, and not a recruiting office." The fidelity and firmness exhibited with such unanimity by our own people in sustaining the administration in their efforts to put down the outrages of the so-called "Confederate States," whilst it astonishes the people of the old world, is at the same time rapidly creating a sentiment of confidence in our ability to maintain unimpaired the institutions of our fathers.

Let the cost be what it may, we must vindicate the memory of our fathers from the slanders announced by those in high places in the so-called "Confederate States," wherein they have proclaimed ours is only a confederation of States, and not a national union.

JOSEPH A. WRIGHT.

Mr. Wright to Mr. Seward.

(Extract.)

Berlin, June 8, 1861.

ALTHOUGH the Prussian Government has not issued a proclamation upon the subject referred to in my last despatch, I still continue to receive from the Minister of Foreign Affairs the strongest assurances of the sympathies and friendship of this Government.

Your circular of the 6th of May has been received, but the subject had been duly considered previously thereto. No opportunity will be neglected to counteract any efforts that may be made by individuals or associations in negotiations hostile to The United States.

JOSEPH A WRIGHT.

Mr. Wright to Mr. Seward.

(Extract.)

Berlin, June 25, 1861.

I HAVE received this moment a copy of the "National Zeitung," containing the despatch of Baron Schleinitz to Baron Gerolt; and also an order from the Minister of Commerce, addressed to Prussian subjects engaged in trade and commerce. This is not what I had expected. I was anticipating a proclamation from the King more full and distinct. This will doubtless have the desired effect, as it will be published in all the German journals, and coming from Prussia will be duly respected by the German States and Free Cities. Their sympathy and spirit is with The United States' Government.

Mr Judd is expected on the 27th instant.

JOSEPH A. WRIGHT.

(Inclosure.)—*Baron Schleinitz to Baron Gerolt.*

(Translation.)

Berlin, June 13, 1861.

The various herewith enclosed statements, by which your Excellency has given me a knowledge of the occurrence through which the internal tranquillity of the Union is disturbed, have called forth my serious consideration. The hope which, until now, we so willingly entertained, that the inchoate conflict between the Government of The United States and sundry of the southern States of the Union would be brought to an amicable settlement, is now, unhappily, in view of existing conditions, borne back to a far distance.

The indubitable fact of the state of the intestine warfare in which the Union is placed is a source of deep regret to the Kings' Government. The relations of close friendship which connect Prussia and the Government of The United States exist from the foundation of the Union. They have endured nearly a hundred years; never at any time disturbed by change of circumstances, nor in anywise impaired.

By a series of Treaties, by means of which the improvement of the interests of manufacture and commerce on either side has been eminently developed, the intimate relations between the two States have attained a prosperous durability. At no time, between these two Powers, has any collision of antagonistic interests found a foothold. The soaring flight which the internal prosperity of the Union has taken, extending its range from year to year by means of the bond of unity of the States thus knit together, the commanding attitude which North America has attained, abroad, has been looked upon by Prussia not merely with no dissatisfaction but has rather been greeted by her with honest sympathy.

The more earnestly, then, do we regret that the continuance of so prosperous a condition of things should appear to be placed in question by the incoherent disturbance of that internal unity, the unshaken existence of which had, until this time, formed the surest foundation of the Union. It behoves not the royal Government either to discuss the causes of existing controversies or to pass judgment upon those debatable questions which belong entirely to the domestic relations of the Union. Our whole endeavour in this matter must be addressed to sustaining The United States in their heretofore existing relations with us, even under the difficult circumstances of the present time.

Nevertheless, by the serious turn which the conflict that has broken out has already taken, and by the consequent self-reliant mode of proceeding of the Government of The United States in relation to blockades, and the treatment of neutral navigation, essential and important interests on this side are also affected, and the royal Government has taken into earnest consideration the protection thereof on grounds of international law and in conformity with Treaty stipulations.

Your Excellency has full knowledge of the negotiations which, through a series of years, were carried on between Prussia and The United States, upon the principles which ought to be brought into application in naval warfare in relation to the rights of neutral shipping. It is to the credit of the North American Cabinet that, in the year 1854, it availed itself of the plan of a Treaty, proposed with us, to be first to take the initiative for putting the rights above mentioned in liberal and practical shape upon a broader foundation of well settled principles. We then willingly acceded to the North American proposition, and although the negotiations conducted by your Excellency were closed without attaining the desired result, because a stand was then taken against that abolition of privateering which was suggested by us, it has, meantime, nevertheless, so fallen out that the general united desire to establish the recognition of the rights of neutral shipping during maritime warfare upon more

extended and unassailable foundations has attracted, in praiseworthy degree, the attention of the great powers of Europe. The declaration upon maritime rights by the Paris Convention, on the 16th of April, 1856, stands in evidence of this. The collective states of Europe, with the exception of Spain only, gave their adhesion thereto. But the United States of North America, in regard to the first principle concerning the abolition of privateering, to our regret, thought proper to qualify their assent to the Paris declaration, if we do not misapprehend the liberal and well-intentioned views by which that Cabinet was guided in the matter. These were made known in the proposition of President Pierce upon the subject, according to which the principle of private property on the seas should be altogether inviolable, should be included among the provisions of the law of nations. It is to be regretted that the President did not succeed in giving effect to his proposition. The estimation with which we regarded his course is sufficiently known to your Excellency.

By reason of the consequently prevailing doubts about the treatment to which neutral shipping may be subjected during the condition of things there connected with an incipient state of war, I must request your Excellency will please to make this interesting question the subject of a friendly and unreserved conference with the Secretary of State of that country.

It would certainly be most desirable to us that the Government of The United States might embrace this occasion to announce their adhesion to the Paris declaration. Should this not be attained, then, for the present, we would urge that an exposition might be made, to be obligatory during the now commencing intestine war, in regard to the application generally of the second and third principles of the Paris declaration to neutral shipping. The provision of the second principle, that the neutral flag covers the enemy's cargo (with the exception of contraband of war) is already assured to Prussian shipping by our Treaty with The United States of May 1, 1828,* again adopting Article XII of the Treaty of September 10, 1785.†

We lay much stress upon this toward bringing round a determination to make application of this principle at the present time to neutral shipping generally and universally. We doubt this the less because, according to a despatch from the then President, addressed by the Secretary of State, L. Cass, to the Minister of The United States in Paris, and also communicated to us, without further referring to the Paris declaration, it is expressly mentioned that the principle that the neutral flag covers the enemy's cargo (contraband of war excepted) would be reduced to application in respect to the shipping of The United States always, and in its full extent.

* Vol. XV. Page 874.

† Vol. XV. Page 885.

The import of the third principle, by which neutral private property under an enemy's flag (except contraband of war) is inviolable, becomes, in respect of its immediate recognition by The United States, a stringent necessity to the neutral Powers.

Let there be a doubt of the application of this principle, and the business enterprises of neutral States are exposed to inevitable shocks, and collisions of every conceivable kind are to be dreaded. To provide for the avoidance of these in due season, we must at least anxiously desire.

It would minister greatly to my satisfaction if your Excellency, as soon as may be, could officially inform me that the overtures and propositions which you are commissioned to make to the administration have found a favourable reception.

SCHLEINITZ.

On the same subject the Minister of Commerce issued the notification annexed to the mercantile classes in the Baltic ports :

It is my duty to make known to you that during the continuance of the conflict that has broken out among the North American States the mercantile classes must abstain from all enterprises which are forbidden by the general principles of international law, and especially by the Ordinance of the 12th of June, 1856, which has relation to the declaration of the 12th of April, 1856, upon the principles of maritime law. Moreover, I will not omit to make it especially noticeable by you that the royal Government will not permit to its shipping or its subjects, which may mix up in these conflicts by taking letters of marque, sharing in privateering enterprises, carrying merchandize contraband of war, or forwarding despatches, to have the benefit of its protection against any losses which may befall them through such transactions.

The equipment of privateers in the ports of this country is forbidden by the laws of the land, as is known to the mercantile community.

Mr. Seward to Baron Gerolt.

Washington, July 16, 1861.

THE Undersigned, Secretary of State of The United States, has the honour of acknowledging the receipt of a copy of a letter of instruction, under the date of the 13th of June, from Baron Schleinitz, the Minister of Foreign Affairs of His Majesty the King of Prussia, to Baron Gerolt, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to The United States, which Baron Gerolt has submitted for perusal to the Undersigned.

Baron Gerolt, in pursuance of this instruction, has referred to doubts said to prevail in Europe about the treatment to which neutral shipping may be subjected during the continuance of the internal disturbance now existing in The United States, and has requested from the Undersigned an explanation of the views of this Government thereupon.

Baron Schleinitz, in this communication, has remarked that it would certainly be most desirable for Prussia that this Government should embrace this occasion to announce its adhesion to the celebrated declaration of Paris. But that, if this could not be attained, then, for the present, the Government of Prussia would urge that an exposition might be made to be obligatory during the present intestine disturbances in The United States, in regard to the application generally of the second and third principles of the Paris Declaration to neutral shipping.

The second principle of the Paris Declaration is, that the neutral flag covers the enemy's goods, not contraband of war.

The third principle is, that the goods, not contraband of war, of a neutral found on board an enemy's vessel are exempt from confiscation.

The Undersigned has the pleasure of informing Baron Gerolt, by authority of the President of The United States, that the Government cheerfully declares its assent to these principles in the present case, and to continue until the insurrection which now unhappily exists in The United States shall have come to an end, and they will be fully observed by this Government in its relations with Prussia.

But the Undersigned would be doing injustice to this Government if he should omit to add, by way of explanation, that so long ago as the 24th of April last he transmitted ample instructions and powers to Mr. Judd, the then newly-appointed Minister of The United States to Berlin, authorizing him to enter into a Treaty (subject to the consent of the Senate of The United States) with the Kingdom of Prussia for the adhesion of this Government to the declaration of the Congress at Paris. Similar instructions and powers were given to all the Ministers appointed to conduct diplomatic intercourse with all existing maritime Powers. This Government in these instructions declared its continued desire and preference for the amendment of the Paris declaration proposed by this Government in 1856, to the effect that the private or individual property of non-combatants, whether belonging to belligerent States or not, should be exempted from confiscation in maritime war. But recurring to the previous failure to secure the adoption of that amendment, this Government instructed its Ministers, if they should find it necessary, to waive it for the present, and to negotiate our adhesion to the declaration pure and simple.

The delay of Mr. Judd in his departure for Berlin is probably the cause why this proposition was not made by him to the Prussian Government previous to the date of the instruction given by Baron Schleinitz to Baron Gerolt, which formed the occasion of the present note.

This Government having thus practically anticipated the wishes of the Prussian Government, the Undersigned has, of course, been the more at liberty to accede to those wishes in the more limited extent in which they are expressed by Baron Schleinitz.

The Undersigned at the same time holds himself none the less bound to proceed with a view to a more ample and more formal establishment of the benign principles of maritime war in regard to neutral commerce as indicated in the instructions given to Mr. Judd.

Of course the Undersigned will be understood as not qualifying or modifying by this communication the right of The United States to close any of the national ports which have already fallen or which may fall into the hands of the insurgents, either directly or in the lenient and equitable form of the blockade which is now in full force.

The Undersigned cannot close this communication without expressing to Baron Gerolt the great satisfaction with which this Government has learned, through the communication now acknowledged, that His Majesty the King of Prussia faithfully adheres to the existing Treaties between the two countries, and fulfils, without question or reservation, all their obligations. This announcement is accompanied by assurances of good feeling and good will that will not fail, under the peculiar circumstances of the times, to make a deep and lasting impression on the Government and the people of The United States, and to perpetuate the friendship that for near a century has existed between the two countries, to the great advantage and lasting honour of both.

Baron Gerolt may be assured that the Government and the people of The United States have deliberately and carefully surveyed the unhappy disturbance of their social condition which has caused so much anxiety to all friendly commercial nations, and have adopted the necessary means for its speedy and complete removal, so that they expect to be able to prosecute their accustomed career of enterprise, and while fulfilling all the national obligations, to co-operate with enlightened nations engaged, like Prussia, in enlarging and increasing the sway of commerce, and in promoting and advancing the high interests of civilization and humanity.

The Undersigned, &c.

WILLIAM H. SEWARD.

Mr. Judd to Mr. Seward.

(Extract.)

Berlin, July 24, 1861.

On the 9th of July instant, in pursuance of the special instructions contained in despatch No. 4, from the Department of State to this Legation, under date of April, 24, 1861, to seek an early opportunity to ascertain whether the Government of Prussia is disposed to enter into negotiations for the accession of the Government of The United States to the Articles of the declaration of the Congress assembled at Paris, April 16, 1856, on the question of privateering and maritime war, I had an interview with Baron Von Schleinitz, Minister of Foreign Affairs of His Majesty the King of Prussia. In communicating to the Baron my instructions on that subject, and informing him of the disposition of the Government of The United States to bring the negotiation, on the basis of the Paris declaration, to a speedy and satisfactory conclusion, I, at the same time, expressed to him how eminently desirable for the good of all nations, the President deems it that the property and effects, not contraband of war, of private individuals, although citizens of belligerent States, should be exempt from seizure and confiscation by national vessels in time of maritime war. The Baron, in response, assured me that His Majesty's Government desired to adopt the most liberal policy on that subject.

I then alluded to his instructions to Baron Von Gerolt, the Prussian Minister in Washington, as published in the official journal, the *Staats Anzeiger*, and inquired if it was desired to transfer the negotiations to Washington. He replied in the negative, adding that the purpose and intent of the document chiefly was to give utterance to, and make manifest the good will of, His Majesty's Government towards that of The United States, and to furnish a full and free communication and exchange of views between the two Governments.

In reply to his inquiry, whether the President of The United States, through me, was prepared to submit propositions for a convention, I informed him that I had special powers to negotiate a Treaty based upon the Paris declaration, and that a memorandum for that purpose had been prepared by the Department of State for my guidance. To my inquiry, whether the production of the evidence of my special authority was desired at this time, he replied negatively, but asked me to be informed whether the Treaty was intended to be a joint one with all the parties to the Paris conference, or a separate Convention with each one of the parties. I responded that my instructions directed me to negotiate with the Prussian Government only. He then requested that the propositions of the Government of The United States be submitted in writing, promising, in that event, an early consideration of the same. Accordingly, on the 11th day of July instant, I addressed a communication to Baron

Von Schleinitz, Minister of Foreign Affairs, together with a copy of the memorandum for a Convention upon the subject of belligerents and neutrals in time of war between The United States of America and His Majesty the King of Prussia, as furnished me by the Department of State, in connexion with its despatch No. 4, under date of April 24, 1861. A copy of my communication accompanies this despatch, marked Exhibit No. 1. No reply has yet been received from Baron Von Schleinitz to that communication.

N. B. JUDD.

(Inclosure.)—*Mr. Judd to Baron Schleinitz.*

M. LE BARON,

Berlin, July 11, 1861.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary, has the honour herewith to present the memoranda referred to in our conversation of yesterday, it being simply a statement of the Articles of the declaration adopted by the Congress assembled at Paris, April 16, 1856.

While the President has instructed the Undersigned to present and assent to a Convention in terms substantially that of the Congress at Paris, the President, nevertheless, desires the Undersigned to submit to the Government of His Majesty the King of Prussia how just and eminently desirable for the good of all nations he considers it that the property and effects of private individuals, not contraband of war, should be exempt from seizure and confiscation by national vessels in time of maritime war, although belonging to the citizens and subjects of the belligerent States; and in view of this fact, the Undersigned begs leave to state to your Excellency that he feels authorized and prepared to so modify the propositions he has the honour herewith to submit as to embrace the principle above stated, if it should meet the views and be deemed desirable by the Government of His Majesty the King of Prussia.

The Undersigned, &c.

Baron Schleinitz.

N. B. JUDD.

Mr. Judd to Mr. Seward.

(Extract.)

Berlin, October 10, 1861.

I HAVE the honour to acknowledge the receipt of your despatch bearing date September 21, 1861. Since my communication to the Foreign Office here in relation to the Maritime Treaty, a copy of which accompanied despatch from this Legation, I have no word or note from the Prussian Government on the subject.

N. B. JUDD.

UNITED STATES AND BELGIUM.

Mr. Sanford to Mr. Seward.

(Extract.)

Brussels, May 26, 1861.

I HAD a conversation to-day with M. de Vrière on the subject

of the efforts of the Commissioners of the so-called "Confederate States" to obtain recognition of the European Powers.

He informed me that no application had been made to him in this view, nor would it now be entertained if made. The revolution would receive no sanction by any act of Belgium. A small State, he continued, whose property depended on the full exercise of the industrial pursuits of its people, they did not mingle in foreign politics, their policy being not to imperil their interests by stepping beyond the limits of strict neutrality in their intercourse with other States. They should, therefore, remain "neutral," as he expressed it, in respect to this question. They had not even yet recognized the Italian Government, he added. We desired, I told him, not to be subjected to any interference in the settlement of our domestic affairs, whether in the form of recognition of political existence or of belligerent rights of those who were in open rebellion to the Government and laws of The United States. It was an issue between order and anarchy which we were fully able to cope with, and all Europe was interested that its settlement be in the most prompt and effective manner, as least liable to cause permanent derangement to commerce.

In reply to my inquiry, he said he had received no official information of the blockade of our southern ports, proclaimed by the President, although he had late advices from the Belgian Minister at Washington. He had only knowledge of it, he said, as printed in the papers. In answer to his inquiry, I said I thought it would not injuriously affect the supply of cotton, as the crop of the past year had mostly gone forward; and, moreover, that while the blockade would be rigorously enforced with regard to supplies, or vessels bearing the "Confederate" flag, I presumed, although I had no instructions on the subject, that the vessels now loading, or under engagements to load in those ports, would be allowed reasonable time to leave; that there was every desire to make this condition of things, which was but temporary, as little embarrassing as possible to foreign commerce. The Minister expressed great satisfaction at this, and said, that the possibility of failure of the cotton supply, growing out of these troubles in our Southern States, was causing great anxiety.

M. de Vrière then spoke of the new tariff with a great deal of feeling; said that it was highly prejudicial to their interests, instancing in point, that 40 furnaces for the manufacture of window glass had been stopped in consequence, and expressed his surprise that, in this age of progress, when Europe was abandoning the exploded system, as he expressed himself, of differential duties, The United States should pursue such a course. Their own experience as a manufacturing people had convinced them of the bad

policy of such a system for the interests of the manufacturers themselves. I replied, that I presumed the general interruptions of trade consequent upon apprehended war in The United States was, quite as much as the new tariff, a cause for suspension of the traffic he referred to. The tariff had been augmented by the last Congress to produce more revenue; if it failed to produce such result, it would probably be changed. It was a matter dependent on the will of Congress, and he was aware we had had several changes in the past few years, none of which had apparently given satisfaction to the manufacturing States of Europe which desired to supply our markets; still, it was our main source of revenue, and the system of raising means for the expenses of the Government by a duty on importations would probably long continue.

I took my leave of M. de Vrière with the repeated assurance that no countenance would be given, in any form, to the rebellion in our southern States.

H. S. SANFORD.

Mr. Sanford to Mr. Seward.

(Extract.)

Brussels, June 22, 1861.

As M. de Vrière is out of town, I directed the attention of M. Saluremont, the Secretary-General, who is charged with the affairs of the department in the absence of the Minister, in an interview with him to-day, as to the propriety of a proclamation warning Belgians from taking service under those in rebellion to the Federal Government, furnishing them "aid and comfort," and especially closing the ports of Belgium to their "privateers"—declared by the President to be pirates—or permitting them to be fitted out in her ports. I said that while the assurances I had received from M. de Vrière, soon after my arrival, of the attitude of his Government had been satisfactory, I hoped it would now give public expression to them, both as due to a friendly Power, and as a warning to their own citizens of the perils of such enterprises.

M. Saluremont replied that the matter had been under consideration; that the position which England and France had taken had not seemed to be satisfactory to the Government of The United States, and they had delayed, in consequence, taking any formal steps; but not, he begged me to be assured, from any want of friendly spirit or desire to do all the occasion called for at their hands.

I replied that he was correct in his views of our sentiments as to the course which England and France had seen fit to pursue. We could not look upon the recognition of belligerent rights to those who, under our laws, were rebels, and before we had attempted to employ forcible means of coercion, as evincing the friendly spirit we had a right to expect; that these people would be treated none

the less as rebels on the land, as pirates on the seas—they or those of whatever nationality who joined them; and we counted, on the part of Belgium, upon no such qualification of our citizens in rebellion, whom we were engaged in submitting to the action of our laws.

He said their legislation provided generally for the cases I had instanced, but that attention would be immediately given to the subject, and he thought we need not have any reason to be dissatisfied with the action they would take in the premises.

He then told me that our new tariff law was a subject of great complaint in Belgium, and great distress in some branches of industry which it had destroyed, referring specially to glass and some kinds of woollen goods.

I again explained our system of revenue, which all manufacturing States this side the Atlantic insist upon believing to be disadvantageous to their interests.

H. S. SANFORD.

Mr. Sanford to Mr. Seward.

(Extract.)

Brussels, July 2, 1861.

REFERRING to a conversation detailed in my despatch I have the honour to inclose a notice published in the official journal (the "Moniteur") of the 25th ultimo, in which, basing its action upon the stipulations of the declaration of the Congress of Paris of April 16, 1856, it is announced that instructions have been addressed to the judicial, maritime, and military authorities to inform them that privateers of no nation or flag, alone or with their prizes, will be permitted, save in cases of extreme danger by stress of weather, to enter the ports of Belgium; enjoining upon them to recognize no commission or letter of marque as having validity; and warning all subject to the Belgian laws, that in taking part or service in any privateers they incur the risk of being treated as pirates abroad, and of being prosecuted with the utmost rigour of the laws at home. In thanking the acting Minister for this prompt response to my request, I observed that, while this was sufficient, in so far as it went, for the occasion that called it forth—as we had, and expected to have, no privateers upon the sea at this time—still, so long as we were not a party to the declaration of Paris, the employment of privateers by The United States was undoubtedly as much a belligerent right as the employment of militia on land; and, in the event of a foreign war, we should expect, on the part of friendly Powers, no such impediment to its exercise by any injurious distinction between it and the other arms of the public service.

H. S. SANFORD.

(Translation.)

BELEGIUM has given its adhesion to the principles laid down in the declaration of the Congress of Paris of April 16, 1856.* This adhesion was published, together with the said Declaration [6 June, 1856†], in the Belgian "Moniteur" of June 8, 1856.

The commercial public is notified that instructions on this subject have been given to the judicial, maritime, and military authorities, warning them that privateers, under whatever flag or commission, or letters of marque, are not to be allowed to enter our ports except in case of imminent perils of the sea. The aforesaid authorities are charged, consequently, to keep a strict watch upon all such privateers and their prizes, and to compel them to put to sea again as soon as practicable.

The same authorities have been charged not to recognize the validity of any commission or letter of marque whatsoever.

All persons subject to the laws of Belgium, who shall fit out or take any part in any privateering expedition, will therefore expose themselves to the danger, on the one hand, of being treated as pirates abroad, and, on the other, to prosecution before Belgian tribunals with all the rigour of the laws.

UNITED STATES AND AUSTRIA.

Mr. Jones to Mr. Seward.

(Extract.)

Vienna, April 15, 1861.

I HAVE the honour to acknowledge the receipt of your circular, dated the 9th of March, 1861.

I presented the copy of the inaugural address of the President to Count Rechberg, on the 8th of April, and at the same time verbally communicated, in accordance with the instructions contained in said despatch, the views and opinions of my Government on the present disturbed condition of its domestic affairs, and the aspect in which it wished them to be regarded by the Government of Austria.

He replied that Austria hoped to see us re-united. That she was not inclined to recognize *de facto* Governments anywhere; her opinions had been made, however, and her Minister and Consuls in America instructed fully on the subject; that no application had yet been made to Austria for recognition as an independent sovereignty, by any portion of the Confederacy of The United States, and he was of opinion that, as the views of Austria would soon be known on the subject, no such application would be made. Should it be otherwise, however, he would notify this legation, and the subject could be resumed.

J. GLANCY JONES.

* Vol. XLVI. Page 26.

† Vol. XLVIII. Page 136.

Mr. Jones to Mr. Seward.

SIR,

Vienna, July 20, 1861.

A FEW days since Count Rechberg, the Imperial Royal Minister of Foreign Affairs, was interrogated in the House of Deputies of the Austrian Empire on the subject of the course pursued, or about to be pursued, by the Imperial Royal Government in relation to American affairs in the present complication. The report of his remarks is as follows :

Count Rechberg rose to answer the question, "What measures has the Government taken to protect its commercial relations with The United States of North America, under the warlike condition of things now existing there," put by Mr. Putzer and his associates. He said: "The Minister of Foreign Affairs has, in connexion with the Ministers of Trade and the Navy, caused information to be obtained through the Imperial Minister resident at Washington as to the measures which other Governments have taken for the same reason. The answer received was, that England and France, as well as Holland, had strengthened their squadrons in the American waters, and had endeavoured to bring the belligerent powers to the recognition of those principles, especially relating to the protection of private property, which were agreed upon at the Congress of Paris in 1856. The Imperial Government has, for the present, abstained from sending ships-of-war, and has directed the Minister resident to obtain from the belligerent powers the recognition of the following points established by the said Congress :

"1. The neutral flag covers enemy's goods, with the exception of contraband of war.

"2. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

"3. Blockades, in order to be binding, must be effective ; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

"The Government hopes, on account of the friendly relations which have existed between it and the American States for years, to obtain the recognition of these three points on the part of the belligerents."

In an interview with Count Rechberg a day or two ago, he expressed to me a hope that the answer might be deemed satisfactory to my Government, as it was his wish to make it so. I replied that, so far as I was advised, no exception could be taken to his language, but that I should transmit to my Government both the question and answer, and if they had anything to say they would make it known to him through their Minister here. He repeated his strong desire to see the integrity of the Union preserved in America, and said Austria was anxious to cultivate the most friendly relations

with us, and would be the last to aid or abet any movement looking to the disruption of our Confederacy, or weakening its power.

Very respectfully, &c.

J. GLANCY JONES.

Mr. Hülsemann to Mr. Seward.

Washington, August 7, 1861.

THE Undersigned, in pursuance of the understanding come to this morning, has the honour to transmit to the Honourable Secretary of State a copy of the instructions received from Count Rechberg concerning the maritime rights of neutrals in time of war; and he takes this opportunity to renew his offer of high consideration to the Honourable Secretary of State.

HULSEMANN.

(Inclosure.)—Baron Rechberg to Mr. Hülsemann.

SIR,

Vienna, July 1, 1861.

WITH deep regret we continue to follow events in The United States which, shaking the foundations of the Union, have effectively taken the character of an active warfare between powers; whence it has ensued that friendly nations, for the protection of their own commerce and navigation, are placed reluctantly in such position that they must reclaim their rights as neutrals.

You already know by my despatch of 14th of June of last year, what principles of international law bearing upon the questions of maritime rights in time of war we relied upon as between us and the Government of the Union, whether under the provisions of old Treaties, or under more recent arrangements; inasmuch as we have given our adhesion to the Paris declaration of maritime rights in 1856, as tending to improve the heretofore ill-advised mode of dealing with the political fluctuations that lie before us.

Albeit the Government of the Union did not explicitly and at once accept, upon the first invitation, the declaration of the European powers, yet we still entertain earnest expectation that such subsequent express assent may be given, as the abrogation of all hindrance to the security of private property on the seas was established on the broadest grounds.

By a proposal which, unfortunately, was not accepted on the other side, we, however, as you know, were always ready and willing to sustain the principle.

We await, however, in friendly expectation, at least, the express recognition of the second, third, and fourth principles of the Paris declaration on the part of The United States quite distinctly from that, because the Government of the Union, on different occasions, has not only plainly expressed these principles in manner more or

less forcible, but has upon its own motion set them forth and explicitly maintained them.

We therefore rest securely in the belief that we may soon receive a satisfactory communication upon this subject, and that under the high authority of the President, administering the relations of his Government, the above-mentioned three principles will be authentically asserted by The United States. But you also have it in express charge to invite the earnest attention of the Secretary of State to the matter, and to take the same steps as we see reason to adopt with the other European powers in what may be regarded as definitively settled.

You will, I hope, carry this important question through to a favourable close, and I present you the assurances of my cordial sympathies.

RECHBERG.

Mr. Seward to Mr. Hülsemann.

Washington, August 22, 1861.

THE Undersigned, the Secretary of State of The United States, has the honour to acknowledge the receipt of a communication from Mr. Hülsemann, Minister resident of His Imperial Royal Majesty the Emperor of Austria, bearing date 7th August instant. Mr. Hülsemann's letter is accompanied by an instruction sent to him by Count Rechberg, the Austrian Minister for Foreign Affairs, calling for information on the subject of the views of this Government concerning the rights of neutrals in maritime war. Count Rechberg expresses a hope that the Government of The United States will give assurances that it adopts and will apply the 2nd, 3rd, and 4th principles of the declaration of Paris, viz:

2. The neutral flag covers enemy's goods, with the exception of contraband of war.

3. Neutral goods, with the exception of contraband of war, are not liable to capture under an enemy's flag.

4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Undersigned has great pleasure in assuring Mr. Hülsemann that this Government does adopt, and that it will apply the principles thus recited and set forth, and that its liberal views in this respect have not only been long held, but they would have been formally communicated to the Austrian Government several months ago but for the delay which has unavoidably occurred in the arrival of a newly-appointed Minister Plenipotentiary at Vienna.

Of course the principles referred to are understood by The United States as not compromising their right to close any of their own ports for the purpose of suppressing the existing insurrection

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in certain of the States, either directly or in the more lenient and equitable form of blockade which has already for some time been established.

Mr. Motley, who proceeds immediately to Vienna as Envoy Extraordinary and Minister Plenipotentiary of The United States, will be directly advised of this communication, while he will be charged with more ample instructions on the general subject involved.

The Undersigned avails himself of this occasion to tender assurances of the goodwill of this Government towards the Government of Austria, and of his distinguished consideration for Mr. Hülsemann, personally.

WILLIAM H. SEWARD.

UNITED STATES AND FRANCE.

Mr. Faulkner to Mr. Seward.

(Extract.)

Paris, April 15, 1861.

I CALLED to-day upon M. Thouvenel at the Ministry of Foreign Affairs, and was promptly admitted to an interview. Agreeably to your request, I handed to him a copy of the inaugural address of President Lincoln, and added that I was instructed by you to say to him that it embraced the views of the President of The United States upon the difficulties which now disturbed the harmony of the American Union, and also an exposition of the general policy which it was the purpose of the Government to pursue with a view to the preservation of domestic peace and the maintenance of the Federal Union. Here M. Thouvenel asked if there was not some diversity of opinion in the Cabinet of the President as to the proper mode of meeting the difficulties which now disturbed the relations of the States and general Government. I replied, upon that point I had no information; under our system the Cabinet was but an advising body; its opinions were entitled to weight, but did not necessarily compel the action of the President; the executive power was, by the Constitution, vested exclusively in the President.

I said that I was further instructed to assure him that the President of The United States entertains a full confidence in the speedy restoration of the harmony and unity of the Government by a firm, yet just and liberal policy, co-operating with the deliberate and loyal action of the American people. M. Thouvenel expressed his pleasure at this assurance.

I further said that the President regretted that the events going on in The United States might be productive of some possible inconvenience to the people and subjects of France, but he was determined that those inconveniences shall be made as light and transient as possible, and, so far as it may rest with him, that all strangers who may suffer any injury from them shall be indemnified.

I said to him that the President thought it not improbable that an appeal would be made before long by the "Confederated States" to foreign Powers, and, among others, to the Government of France, for the recognition of their independence; that no such appeal having yet been made, it was premature and out of place to discuss any of the points involved in that delicate and important inquiry; but the Government of The United States desired the fact to be known that whenever any such application shall be made it will meet with opposition from the Minister who shall then represent that Government at this court.

I said to him that my mission at this court would very soon terminate, and that I should have no official connection with the question which, it was anticipated, might arise upon the demand of the Confederate States for the recognition of their independence; that my place would soon be supplied by a distinguished citizen of the State of New Jersey, a gentleman who possessed the confidence of the President, who fully sympathised in his public views, and who would doubtless come fully instructed as to the then wishes and views of the Government of The United States, and that the only request which I would now make, and which would close all I had to say in the interview, was that no proposition recognizing the permanent dismemberment of the American Union shall be considered by the French Government until after the arrival and reception of the new Minister accredited by The United States to this court.

M. Thouvenel, in reply, said that no application had yet been made to him by the Confederate States, in any form, for the recognition of their independence; that the French Government was not in the habit of acting hastily upon such questions, as might be seen by its tardiness in recognizing the new kingdom of Italy; that he believed the maintenance of the Federal Union, in its integrity, was to be desired for the benefit of the people north and south, as well as for the interests of France; and the Government of The United States might rest well assured that no hasty or precipitate action would be taken on that subject by the Emperor. But whilst he gave utterance to these views, he was equally bound to say that the practice and usage of the present century had fully established the right of *de facto* Governments to recognition when a proper case was made out for the decision of foreign Powers. Here the official interview ended.

The conversation was then further protracted by an inquiry from M. Thouvenel when the new tariff would go into operation, and whether it was to be regarded as the settled policy of the Government. I told him that the first day of the present month had been prescribed as the period when the new duties would take effect; that

I had not yet examined its provisions with such care as would justify me in pronouncing an opinion upon its merits; that it was condemned by the commercial classes of the country, and that I had no doubt, from the discontent manifested in some quarters, that the subject would engage the attention of Congress at its next meeting, and probably some important modifications would be made in it. The finances of the Government were at this time temporarily embarrassed, and I had no doubt the provisions of the new tariff were adopted with a view, although probably a mistaken one, of sustaining the credit of the Treasury as much as of reviving the protective policy. He then asked me my opinion as to the course of policy that would be adopted towards the seceding States, and whether I thought force would be employed to coerce them into submission to the Federal authority. I told him that I could only give him my individual opinion, and that I thought force would not be employed; that ours was a government of public opinion, and although the Union unquestionably possessed all the ordinary powers necessary for its preservation, as had been shown in several partial insurrections which had occurred in our history, yet that the extreme powers of Government could only be used in accordance with public opinion, and that I was satisfied that the sentiment of the people was opposed to the employment of force against the seceding States. So sincere was the deference felt in that country for the great principles of self-government, and so great the respect for the action of the people, when adopted under the imposing forms of State organization and State sovereignty, that I did not think the employment of force would be tolerated for a moment, and I thought the only solution of our difficulties would be found in such modifications of our constitutional compact as would invite the seceding States back into the Union on a peaceable acquiescence in the assertion of their claims to a separate sovereignty.

CHAS. J. FAULKNER.

Mr. Dayton to Mr. Seward.

(Extracts.)

Paris, May 22, 1861.

I HAVE the pleasure to announce to you my arrival in this city on Saturday, May 11. On Monday, application was made through our Legation, for an audience with M. Thouvenel, Minister of Foreign Affairs, which was granted on the 16th instant, on which day I was duly presented to him by Mr. Walsh, of the American Legation.

M. Thouvenel, in the course of the conversation, took occasion to say that he deeply regretted the condition of things in The United States, and that in this expression of feeling he represented the views and feelings of the Emperor; that so deeply concerned was

the Emperor that he had felt disposed to offer his good offices, but had been deterred from the fear that his offer might not be well received; but should occasion for this arise he should always be ready and happy to be of use. He made special inquiry as to the policy of our Government in regard to neutral rights, particularly in reference to neutral property found in southern ships. He went into considerable detail to shew that historical precedents were in favour of treating southern vessels as those of a regular belligerent, and applying the same doctrine to them as had always been upheld by The United States. He dwelt particularly upon the fact that Great Britain, during our revolutionary war, had not considered our privateers as pirates. I understood him to say that, as respects an effective blockade, it would be fully recognized and respected; but he seemed much impressed with the importance of understanding clearly the intentions of our Government in reference to these matters as respects the foreign world.

As respects a tender of the kind offices of the Emperor, I could only thank him for the interest in our country which the suggestion manifested, but gave him no reason to suppose such offer at this time would be accepted. As to the doctrines which our Government would apply in reference to the blockade of Southern ports and neutral rights, I told him I had no specific instructions at present, and could only refer him to the proclamation of the President and the general principles of international law which might bear on the case. I further informed him that immediately after my reception by the Emperor, I would apprise my Government of the anxiety of the French Government to learn the views of our Government more definitively upon these questions. You will not fail to have observed that the action of France and England upon this question of belligerent rights has been upon a mutual understanding and agreement.

Throughout the conversation he seemed anxious to impress upon me the great interest which France took in our condition, and their desire for the perpetuation of the Union of the States. He referred to the fact that France had aided in its formation, and did not desire to witness its dissolution. The recognition of the Southern Confederates as possessing belligerent rights he did not consider at all as recognizing them as independent States.

After the conversation had closed, to save time, I at once presented a copy of my letters of credence, and requested an audience of the Emperor, &c.

On the next day, I was informed by a note from the Minister that I would be received at the palace on the 19th instant, at which time I was presented in due form to the Emperor, in the presence of certain officers of the court.

A copy of my remarks to the Emperor will be found inclosed. In reply, the Emperor, after a courteous welcome, and one or two remarks of a character personally complimentary, said, in substance, that he felt great interest in the condition of things in our country; that he was very anxious our difficulties should be settled amicably; that he had been, and yet was ready to offer his kind offices, if such offer would be mutually agreeable to the contending parties; that whatever tended to affect injuriously our interests was detrimental to the interests of France, and that he desired a perpetuation of the Union of the States, with some additional remarks of like tenor and character. His observations were in the same vein as those of the Minister of Foreign Affairs, and I doubt not were the frank expressions of his views on this subject.

Immediately after the formal part of my presentation had closed, and my letters of credence been delivered, he entered for a short time into general conversation. Upon taking my leave of the Emperor, I was conducted by the Grand Chamberlain to the apartments of the Empress, and there presented to her. She repeated to some extent the same views already presented by the Emperor. My reception at the palace was in every respect agreeable. On Monday, the 20th instant, I called again on M. Thouvenel, in company with Mr. Sanford (our Minister to Belgium), for the purpose of obtaining, if possible, a little more distinct information of what France meant by the terms "neutral rights" and "belligerent rights;" how far he considered such rights as extending to the capture and condemnation of prizes in the ports of France, &c. He said in reply, in substance, that they held that the flag covers the cargo; that if a southern ship carrying neutral property was captured, the property would not be condemned, &c. He hoped our Government would recognize principles for which it had always contended. I told him it would certainly do so, but the question here was, whether there was a flag; that our Government insisted that the Confederates, being merely in rebellion, had no flag, and I could not exactly understand how a foreign Government which had not recognized them as an independent Power could recognize them as having a flag. He said, furthermore, that the French Government had given no warning to their citizens, &c. (as the English Government had), by proclamation, because it was unnecessary; that the statute law of France (of 1825, April 10, I think) declared that any French citizen taking service under a foreign Power lost all claim to protection as a citizen; that if a subject of France should take service on board of a letter of marque licensed by the Confederate States, it would be, as I understood him, piratical on the part of such subject. He said, furthermore, that no letters of marque could be fitted out in their ports, or even sheltered there,

unless they came in from necessity (as stress of whether, &c.), and then could remain, I think, but 24 hours; that consequently there could be no bringing of prizes into French ports, and while there a condemnation of them in the courts of the southern States. His conversation on this part of the case was very satisfactory, and he promised me a reference in writing to the French statutes bearing on the question. He added that the French Government had addressed certain interrogatories to our Government, and would await their answer. The disposition of this Government to keep on friendly relations with us is, I think, manifest, and it will not, I judge, be diminished by the obvious fact that certain portions of the public men and the press of England are felicitating themselves on the condition of things in America. The policy of having a heavy commercial Power in the west, as some counterpoise to the marine power of England, is too manifest to escape a mind so sagacious as that of the present Emperor of the French. I had taken the liberty before the reception of your last despatch, dated 4th instant, of assuring all persons, official and otherwise, with whom I came in contact, that the most effective measures were being taken by our Government to crush out this causeless and wicked rebellion, and that I believed such efforts would be continued to the end; that the fears (which existed in some quarters) that the Government would again temporize and lose the advantage which the present determined enthusiasm of the people gave to it, were groundless. I find very strong feelings existing here in behalf of the Union among the American citizens from the northern States, and a determination to support the Government with men and money.

I have had many applications since here by foreigners for service as officers in the army of The United States, and I understand from one of the former Secretaries of the Legation, that many applications were made at the office of the Legation before I came. There was one case only, as the Secretary says, of an application at the office of the legation for service in the army of the south, and this was from an anonymous correspondent, the note seeking service being unsigned. To these applications, I have said that our service was open to volunteers, but I had no authority to commit the Government to appointments; that, in fact, we needed arms rather than men.

No formal notice of the blockade of southern ports has been given to the Government here, unless through the agency of the French Minister at Washington. Indeed, I think I understood M. Thouvenel to say that they had received no such formal notice at all. I shall call the attention of M. Thouvenel to the original proclamation when I communicate to him (as I shall at once do)

the additional proclamation (just received) of the blockade of the ports of Virginia and North Carolina.

I have opened, since here (directed to my predecessor), a copy of the President's proclamation as to the blockade of the ports of Virginia and North Carolina, dated 27th April, 1861. I received, likewise, a despatch last night, containing views of the Government at Washington as to the abolition of privateering, and enclosing to me a commission to effect with the French Government a Treaty for that purpose, with the form of such Treaty. This is of great importance, and will affect in a material degree the means of defence on the part of our country in time of war. I shall proceed in conformity, however, with these instructions to communicate with the Minister of Foreign Affairs on the subject. But I cannot help feeling, in view of what the French law is, as heretofore stated, and the little danger to our commerce which can soon arise from any action of this Government or of its subjects from privateers, that I had better attempt again to obtain a provision exempting from seizure private property afloat (unless contraband) the same as private property is now exempt on land. I should very much regret an opportunity lost to obtain such a Treaty provision, if possible, before we give up that species of volunteer marine by which we are enabled, in some degree, to affect the commerce of other nations, having a heavier naval marine, while they are destroying our own. The Emperor is about to leave Paris for the country, and it is doubtful if great expedition can be had in this matter; but, acting under the direct instructions of the Government at home, I shall incur no unnecessary delay in carrying those instructions (if I can procure no better terms) into effect.

I have received your despatch, containing instructions as to matters to be communicated to M. Thouvenel in reference to the unity of the Cabinet at Washington and the intentions of the Government to prosecute the war with the utmost effect.

I will, at the earliest moment, so state to M. Thouvenel, though it will be to some extent a restatement of what had already been said. There has, I fear, been some misapprehension upon the minds of the authorities here upon this subject.

Since my arrival here my engagements, personal and official have been constant; so much so that it has not been in my power to communicate as promptly with your department as I would have desired.

WM. L. DAYTON.

Mr. Dayton to Mr. Seward.

(Extracts.)

Paris, May 27, 1861.

IMMEDIATELY after closing my last despatch I wrote to M. Thouvenel a note apprising him that I was fully authorized to enter into a convention with the Government of France in respect to privateering, the rights of neutrals, and the matter of blockade, and requesting him, if disposed to renew negotiations upon these subjects, to name a day for conference.

My note was not sent until the 25th instant.

On the same day, to wit, the 25th of the present month, I sent to M. Thouvenel a copy of the President's proclamation of the blockade of the ports of Virginia and North Carolina, referring, at the same time, to the previous blockade of the other southern ports.

On the 24th instant I received from the Minister of War a note as to certain fire-arms for the State of Virginia, applied for by my predecessor, Mr. Faulkner; a copy of which note, together with my answer thereto, is hereunto attached.

I recently received from the agent of our Havre line of steamers a request that I would (by application to the Government for munitions of war) aid him to put the steamer *Fulton* in a condition of defence on her homeward voyage; which I did, so far as I could, by presenting his request to the Government. A copy of his request, indorsed by me is herewith attached. I presume the request was granted, as I have heard nothing since from the agent and the steamer leaves her port to-day.

M. Thouvenel has promptly answered my note informing him I was authorized to enter into a convention as to privateering, &c., and has designated to-morrow, at 4 P.M., for a conference. In my next despatch I shall be able, doubtless, to give you some information as to the views of the French Government on this subject. Mr. Marsh has been here, engaged in doing good service by matter communicated for use through the English press.

WM. L. DAYTON.

Mr. Dayton to Mr. Seward.

(Extracts.)

Paris, May 30, 1861.

SINCE the date of my despatch I have had an interview with M. Thouvenel.

I told him I was authorized to accept the propositions adopted at the Congress of Paris in 1856, but with the desire expressed by the President that the provision should be added exempting private property afloat, unless contraband, from seizure and confiscation. I did not say, nor did he ask, whether the four propositions would be accepted without amendment. He said nothing could be done except by conference with the other Powers, but if I would submit

the proposition in writing, which I shall at once do, he would immediately address the other Powers, and we would probably receive an answer in 10 or 12 days.

I have been induced to suggest again the adoption of this amendment exempting private property afloat from seizure and confiscation : (1.) From the preference or wish of the President expressed in your letter of instruction. (2.) From the great importance, as it seemed to me, of securing the adoption of the principle, if possible, before The United States should give up the right of privateering. (3.) From the facts patent on the correspondence of this Legation in 1856, whereby it appears that France and Russia were both favourably disposed at that time to the adoption of the principle of the amendment (see Mr. Marcy's despatch to Mr. Mason, No. 94, dated October 4, 1856, and Mr. Mason's confidential letter to Mr. Dallas, of December 6, 1856), and the obvious fact that it would be the interest of all the other Powers (having little naval force) to concur in the amendment. (4.) From the fact that since the date of your despatch to me authorizing the acceptance of the four propositions adopted by the Congress at Paris, Mr. Sanford, our Minister to Belgium, on a visit to England, learned from Mr. Adams that the British Government had given, as he understood, general instructions on the subject to Lord Lyons; and the impression made on the mind of Mr. Adams, as reported to me by Mr. Sanford, was, that it was not improbable that England would now, to secure our concurrence in the other propositions, concur in the amendment. That in view of this information, Mr. Adams, who had like instructions with my own, had referred the matter back to be treated of and discussed at Washington. I could not, therefore, at once accept the 4 propositions, pure and simple, without running the hazard of conflicting with what might be done elsewhere.

I will probably receive an answer from M. Thouvenel (after he shall have communicated my proposition to the other Powers) before even I shall receive my next despatch on this subject from Washington, which I shall await with some anxiety.

The laws, however, in connexion with the practice of the tribunals of France are, I think, as follows :

1. That the captain who accepts a commission from a foreign Government and takes command of a cruiser is guilty of a piratical act.

2. That all French subjects enlisting on board of such cruiser, without authority of the Emperor, lose their citizenship, and consequently forfeit their right to the protection of their Government.

3. That the principle applied in the French tribunals is unlike that which has been applied in England (and I fear it will be found in The United States) as to harbouring privateers; and while their

prizes are in a neutral port having them condemned in courts of Admiralty of the country licensing such privateer. The laws and practice of the French courts do not admit of this. But these matters, as M. Thouvenel now says, must be all left for determination to the tribunals of France.

I am happy to say that there is no disposition manifested here, so far as I have observed, to favour the rebellion in our Southern States, or to recognize them as an independent power. All recognition of rights on their part is for commercial purposes only. But the Government of France cannot, it says, look at this rebellion as a small matter. That, embracing as it does a large section and many States, they cannot apply to it the same reasoning as if it were an unimportant matter or confined to a small locality.

M. Thouvenel says he has had no application from southern commissioners for any purpose of recognition, and he does not know even that such persons are or have been in Paris.

WM. L. DAYTON.

M. Thouvenel to Mr. Dayton.

SIR,

(Translation.)

Paris, August 20, 1861.

I HAVE the honour to communicate to you the text of the written declaration that I propose to myself to make, and of which I will take care to remit to you a copy, at the moment of the signing of the Convention designed to render obligatory between France and The United States the principles upon maritime rights proclaimed by the Congress of Paris. This declaration has for its object, as you will see, to prevent all misunderstanding upon the nature of the engagements which the Government of the Emperor is disposed to contract.

If you were ready to sign the Convention contemplated, we might be able to agree to make it the same day when Lord Russell should proceed from his side to the signing of a similar act with Mr. Adams.

Accept, &c.,

THOUVENEL.

(Translation.)

Draft of Declaration.

IN affixing his signature to the Convention concluded in date of this day between France and The United States, the Undersigned declares, in execution of the orders of the Emperor, that the Government of His Majesty does not intend to undertake, by the said Convention, any engagement of a nature to implicate it, directly or indirectly, in the internal conflict now existing in The United States.

Mr. Dayton to M. Thouvenel.

M. LE MINISTRE,

Paris, August 26, 1861.

I HAVE the honour to acknowledge the receipt of your communication of the 20th instant, in which (carrying out the purpose expressed by you in our prior conversation of that day) you communicate to me the text of a written declaration which you propose to make simultaneous with the execution of the Convention between The United States and France, in reference to the principles upon maritime rights proclaimed by the Congress of Paris in 1856. You further suggest in your note that if I were ready to sign the Convention contemplated, we might be able to agree to do so the same day when Lord Russell should proceed, on his side, to the signing of a like Convention with Mr. Adams.

The declaration which you propose to make in writing, simultaneous with the execution of the Convention, has for its object, you say, "to prevent all misunderstanding as to the nature of the engagements which the Government of the Emperor is disposed to contract," and this declaration is, that "in the execution of the orders of the Emperor the Government of His Majesty does not intend to undertake, by said Convention, any engagements of a nature to implicate it directly or indirectly in the internal conflict now existing in The United States."

My impressions, hastily thrown out when this proposition was verbally suggested, have been strengthened by subsequent reflection. I do not stop to inquire how such outside declaration as you propose may affect the rights or obligations of parties under the Treaty. Indeed, it is so general that it may not be possible to anticipate its entire scope or operation. It gives us notice that the engagements of your Government are "not to be of a nature to implicate it directly or indirectly in the internal conflict," &c. It may be that the conduct of the Government of France, under this declaration, would practically extend no further than would be agreeable to The United States; yet I cannot act upon such assumption. My instructions are to negotiate a particular Convention, the text of which has been examined and approved, as I understand, by your Excellency. If the declaration which you propose to make does not alter the obligations or duties which would otherwise devolve upon France, in virtue of that Convention, it is useless to make it. If it does not alter such obligations or duties, then I am not authorized to execute the Convention subject to such declaration. This, indeed, so far as my action at present is concerned, is the whole case. But the subject justifies, and perhaps requires, some other remarks. You stated that you thought it more frank and loyal to make your declaration in advance, and in this I entirely concurred. If the Treaty without such declaration would impose any duty upon France which she

would be unwilling to perform, it was manifestly proper that she should declare her purpose in advance. It was proper, not only for the purpose of preventing misunderstanding as to the nature of her intended engagements, but for the other purposes of leaving to The United States the option of determining, with full knowledge, whether she would or would not enter into the Treaty subject to such declaration. The declaration, it is true, is not strictly a part of the Treaty, yet, for the purpose intended, its effect and operation would be the same as if it were incorporated into the Treaty itself. It will prevent misunderstandings as to the nature of the engagements, or, in other words, it will prevent one party complaining of a non-performance of supposed engagements by the other under the Treaty, just as effectively as if it were a condition added to the Treaty itself. But for the interposition of this declaration I should have assented to the execution of the Treaty at once ; as it is, I have no power to do so.

From this it must not be inferred that there is now, or at any time has been, the slightest wish upon the part of The United States to involve France or any other foreign Government in its domestic controversy. The wish, nay, stronger than this, the right, to be let alone by other nations, has been claimed at all times, so far as I know, by our Government and its representatives abroad. They have never failed to deprecate, in the most earnest manner, all interference in this question upon the part of foreign Powers. Yet the declaration which it is now proposed to make would seem to imply that such interference might be claimed by us at the hands of those Powers with whom such Treaty might be made. I submit, with great respect, that there is nothing in the present position of The United States, or in the past history of this negotiation, which would justify such an inference. When the present Administration at Washington came into power, it almost immediately gave orders to its representatives abroad to open negotiations upon this general subject ; not, it is to be assumed, for any small purpose or object growing out of what they then believed to be a mere temporary insurrection, but with a view to the settlement, so far as their assent could settle the same, of certain great principles of maritime law.

The second and third of those principles, enunciated in the declaration of Paris, has been already proposed and urged upon the attention of other nations by The United States.

The fourth of those principles, which requires that blockades to be respected shall be effective, had never been denied (at least by The United States) as a principle of international or maritime law. It was the first only of the points enunciated in that celebrated declaration about which hesitation existed.

The abandonment of the right, by belligerents, to issue letters of marque and reprisal under proper restraints, was a serious matter to a country having the extended commerce and limited navy of The United States; yet such abandonment by all nations would, we well knew, tend much to lessen the afflictions incident to war; and so, too, the exemption of property of non-combatants at sea (except contraband) as it is on land, would, in a still greater degree, tend to the same end.

Hence the disposition manifested on the part of The United States, on every proper occasion, to connect in its negotiations the two; to make the concession of the one the equivalent, if possible, of the concession of the other. This was the condition of things when the present Administration at Washington came into power. Not trammelled by certain considerations which had affected some of their predecessors, they immediately took up the negotiation where it had been left by a prior Administration. Ascertaining definitively that the exemption of private property afloat (except contraband) would not be conceded by all the Powers, they assented at once to the execution of a Convention, adopting the four principles of the declaration of Paris as they are, without addition and without limitation.

Then for the first time, we were informed that the Government of his Majesty the Emperor (in connection with that of Her Britannic Majesty) would only execute such Convention subject to a certain condition, which it declares for itself, and of the extent and operation of which it is itself to judge.

I cannot, of course, anticipate with certainty what view the Government of The United States may take of this question, but I can scarcely suppose it will assent to the execution of a Convention adopting the declaration of Paris, except upon terms of entire reciprocity, and subject to no other condition than those existing by and between the original parties; nor do I believe that it will, in its negotiations with foreign Governments, at all assent to exceptions and reservations, verbal or written, predicated upon the existing state of things in that country. It will, I apprehend, exact no more and be content with no less than it would have been entitled to had the Convention been executed in advance of its present internal controversy. If, therefore, the Government of France shall consider that an unconditional execution of that Convention will demand of it interference in our affairs, or will implicate it in any shape in the civil war now raging in our country, then it is obvious this is not a proper time for her or for us to enter into such agreements.

But these suggestions are made, of course, subject to correction from the Government at Washington. To it I shall at once refer the communication of your Excellency, together with a copy of the

declaration which you have done me the honour to submit upon the part of the French Government. I avail, &c.

WM. L. DAYTON.

M. Thouvenel to Mr. Dayton.

SIR, (Translation.) *Paris, September 9, 1861.*

I HAVE received the letter which you did me the honour to write me, the 26th of the month of August, in order to explain to me the reasons which induced you to await further instructions from your Government before proceeding to the signing of the Convention relative to maritime rights.

In this state of affairs, I could but await the arrival of the instructions which you have requested, and, consequently I do not wish to enter into the discussion of the motives which have prevented you from signing the contemplated Convention, and which you were pleased to bring to my knowledge. I desire, however, to set forth clearly, by some further explanations, what is the train of thought followed by the Government of the Emperor, in judging, like the Government of Her Britannic Majesty, that it is expedient to accompany the proposed Treaty with a special declaration.

If The United States, before the actual crisis, had adhered to the declaration of the Congress of Paris, as this adhesion would have bound the whole Confederation from that moment, the Cabinet of Washington might, at the present time, have availed itself of it to contest the right of the southern States to arm privateers. Now, if this supposition be correct (*fondée*), one could not be astonished that the Government of Mr. President Lincoln, according to the principles which it has set forth in its manner of viewing the present conflict, should wish to consider the contemplated Convention as much obligatory upon seceded States, in the present circumstances, as if it had preceded the hostilities. But if this opinion be quite explicable on the part of the Cabinet of Washington in the situation in which events have placed it, it could not be thus with Governments which have proposed to themselves to preserve the strictest neutrality in a struggle, the gravity of which it has no longer been possible for them to disregard. In accepting, then, a proposition presented (*formulée*) by the Federal Government, when the war had already unhappily broken out between the northern and southern States of the Union, it was natural that the Government of the Emperor, having decided not to turn itself aside from the attitude of reserve which it had imposed upon itself, should consider beforehand what extension the Cabinet of Washington might be induced, on account of its position, to give to an arrangement, by which it declared that The United States renounced privateering. The hostilities, in which the Federal Government is actually engaged, offering to it the opportunity of putting immediately into practice the abandonment

of this mode of warfare; and its intention, officially announced, being to treat the privateers of the south as pirates, it was manifestly of importance to caution the Cabinet of Washington against the conviction, where it might exist, that the contemplated Treaty obliged us thus to consider the privateers of the south as pirates. I will not dwell upon the matter (*n'insisterai pas*) in order to show how much we would deviate from the neutrality we have declared ourselves desirous of observing towards the two factions of the Union, if, after having announced that they would constitute for us two ordinary belligerents, we should contest the primitive rights of a belligerent to one of them, because the other should consent voluntarily to the abandonment of it in a Treaty concluded with us. There is no need to point out, further, how we would forcibly break through our neutrality as soon as we should be constrained, in virtue of the contemplated Convention, to treat as pirates the privateers which the south will persist in arming. The Cabinet of Washington might, then, I repeat, be led, by the particular point of view in which it is placed, to draw from the Act which we are ready to conclude such consequences as we should now absolutely reject. It has seemed to us that it is equally important to the two Governments to anticipate (*prévenir à l'avance*) all difference of interpretation as regards the application to the actual circumstances of the principles which were to become common to them both. Otherwise, it would have been to be feared, if the same explanations had had to be exchanged later, that there would have been attributed to them a character altogether different from that which they really possess. We would regret, too, sincerely that the least misunderstanding should be produced in our relations with The United States, not to be anxious, from this moment henceforth, to enlighten them upon a reserve, which, being officially stated to the Cabinet of Washington before the signing of the Convention, maintains strictly one neutrality, without taking away from the value of the agreement, which, in this case, we will be happy to establish with The United States. Accept, &c.

THOUVENEL.

UNITED STATES AND SPAIN.

Mr. Perry to Mr. Seward.

SIR,

Madrid, June 19, 1861.

I HAVE the honour to enclose a royal decree, published by the official Gazette this morning, with its translation.

The Minister of State has to-day, whilst acknowledging that its provisions are in great part taken from the French decree, drawn my attention to the fact that he has avoided the use of the expression *belligerents* as far as possible, or any other which could be considered as prejudging the question of right in any manner.

He also drew my attention to the fact that, though the decree proclaims neutrality, it expressly prohibits any supplies to be furnished to privateers in the Spanish ports, whilst vessels-of-war may be provided and equipped with all they need; and this provision tells exclusively against the party issuing letters of marque.

The preamble also is less objectionable than some other documents which have seen the light in Europe.

HORATIO J. PERRY.

(Translation.)

MINISTRY OF STATE.—ROYAL DECREE.

Madrid, June 7th, 1861.

TAKING into consideration the relations which exist between Spain and the United States of America, and the desirability that the reciprocal sentiments of good intelligence should not be changed by reason of the grave events which have taken place in that republic, I have resolved to maintain the most strict neutrality in the contest begun between the Federal States of the Union and the States confederated at the South; and in order to avoid the damage which might come to my subjects and to navigation, and to commerce, from the want of clear provisions to which to adjust their conduct in consonance with my Council of Ministers, I do decree the following:

ART. I. It is forbidden in all the ports of the Monarchy to arm, provide, or equip any privateer vessel, whatever may be the flag she displays.

II. It is forbidden in like manner to the owners, masters, or captains of merchant vessels to accept letters of marque, or contribute in any way whatsoever to the armament or equipment of vessels-of-war or privateers.

III. It is forbidden to vessels-of-war or privateers with their prizes to enter or to remain for more than 24 hours in the ports of the Monarchy, except in case of stress of weather. Whenever this last shall occur, the authorities will keep watch over the vessel and oblige her to go out to sea the soonest possible without permitting her to take any stores except the purely necessary for the moment, but in no case arms nor supplies for war.

IV. Articles proceeding from prizes shall not be sold in the ports of the Monarchy.

V. The transportation under the Spanish flag of all articles of commerce is guaranteed, except when they are directed to blockaded ports. The transportation of effects of war is forbidden, as well as the carrying of papers or communications for belligerents. Transgressors shall be responsible for their acts, and shall have no right to the protection of my Government.

[1860-61. II.]

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VI. It is forbidden to all Spaniards to enlist in the belligerent armies or take service on board of vessels-of-war or privateers.

VII. My subjects will abstain from every act which, in violation of the laws of the kingdom, can be considered as contrary to neutrality.

VIII. Those who violate the foregoing provisions shall have no right to the protection of my Government, shall suffer the consequences of the measures which the belligerents may dictate, and shall be punished according to the laws of Spain.

Palace, June 17, 1861.

(Signed with the Royal Hand.)

The Minister of State, SATURNINO CALDERON COLLANTES.

UNITED STATES AND RUSSIA.

Mr. Appleton to Mr. Seward.

(Extract.)

St. Petersburg, April 10, 1861.

THE despatch of the department No. 10, and your circular of March 9th, have been received, and I have had several interviews with Prince Gortchacow on the subject of them. Although no agent was here from the Confederate States, and none was immediately expected, I still thought it only prudent that your views in reference to these States should be known by the Russian Government, in order that it might be prepared for the question of recognition whenever it should be presented. I therefore handed to Prince Gortchacow a copy of President Lincoln's inaugural address, and read to him, at the same time, such portions of the despatches I have mentioned as seemed to me most important, particularly calling his attention to those passages which declare the unquestioned legality of the existing Government, the revolutionary nature of the movement which had been made against it, and the full confidence of the President that the harmony of the Union would be soon restored. In support of these views I added such suggestions of my own as I thought appropriate, and expressed the hope that our Government might receive from Russia, at this crisis, a renewed manifestation of that friendly disposition which had always marked the intercourse between The United States and that empire. Prince Gortchacow replied that the question of recognizing the Confederate States was not now before the Emperor, and for the present he did not think it would be. I might assure you, he said, that His Majesty was not unmindful of the friendly relations which had so long subsisted between the two countries, and that he sincerely desired the harmony and prosperity of the Union. It was the only commercial counterpoise in the world, he added, to Great Britain, and Russia would do nothing therefore to diminish its just power and influence. It was only frank,

however, to say, that while things continued as they were, the commerce between the Confederate States and Russia would not be interrupted. There was no blockade of southern ports, and any informality in the papers of ships which cleared there would be overlooked. This, he said, was the course determined on by England and France, and he understood it was pursued also by our own Government. I told him I had no specific instructions on this point, and did not know what rule had been adopted concerning it by other nations. It seemed to me, however, that American ships ought to carry the American flag and be provided with American papers; and if this was not done, or still more, if the American character was repudiated, I hardly saw how they could be recognized as American ships. He said there were some difficulties certainly in the way, but it was better to overlook them, and to receive the ships for just what they were, vessels belonging to The United States, but not provided, in consequence of existing troubles, with the usual evidence of nationality. I said, they might deny that they belonged to The United States.

He replied that this would not alter the fact. They came from ports in The United States, and the separation of the Confederate States was not yet recognized. The policy, he said, involved no recognition of nationality, but was only a concession in aid of commerce. I replied that my only interest was to prevent this recognition. We desire to be permitted to work out the pending questions in the Union in our own way, and in our endeavours to restore its unity and harmony, we thought we had a right to rely upon the friendly aid and co-operation of other nations. He said no nation would witness the restoration with more satisfaction than Russia.

This is the substance of our conversations, and I need hardly trouble you with any comments. It is obvious that Russia does not expect to be called upon to decide the question of recognition until this decision has been made by England and France, and that she expects to find it then of easy solution. In the meantime she expresses the hope, which I am inclined to think she really entertains, that our difficulties may be amicably adjusted and the Union restored to its old harmony and power. In the commercial policy which she has adopted towards southern ports she has evidently followed the example of Great Britain and France. I ought to add that Prince Gortchacow read to me extracts from several letters of Mr. Stoekl, the Russian Minister at Washington, which indicated that the representatives of three Powers there were quite agreed upon this subject. Under these circumstances, after stating such objections to the policy as occurred to me, I contented myself with the assurance of Prince Gortchakow that it was not intended to involve any recognition of nationality.

I shall take care to inform you promptly of any attempts which may be made here "to embarrass or overthrow the republic," and you may rely also upon my best efforts to prevent and counteract them.

I am, &c.,

JOHN APPLETON.

Mr. Appleton to Mr. Seward.

(Extract.)

St. Petersburg, May 11, 1861.

THE circular of the department dated April 20, 1861, indorsing the President's proclamation on the subject of blockades and privateering, has been received. I have written to our Consuls at the different ports of Russia, calling their special attention to the subject, and enjoining upon them the utmost vigilance to prevent the fitting out of privateers within their respective consulates. At Sebastopol, where we have no Consul, I have written to Colonel Gowen, an American citizen, to the same effect, and have asked him to transmit to this legation any information which may come to his knowledge on this subject, concerning either ships or persons.

I have also received the circular of the department dated April 27, transmitting, for my information, a copy of the President's proclamation of that date directing a blockade of the ports of Virginia and North Carolina, in addition to that of the ports of the States mentioned in the proclamation of the 19th instant.

JOHN APPLETON.

Mr. Appleton to Mr. Seward.

(Extract.)

*St. Petersburg, May 22,
June 8, 1861.*

I HAVE the honour to enclose copies, which I have received unofficially, of two orders of the Russian Government which have been recently issued for the guidance of its officers in respect to the flags and ships of the Confederate States. It will be seen that they conform to what was said to me on this subject by Prince Gortchacow in the conversation which I reported to the department in my No. 16. I ought to add that every American ship which has yet appeared at Cronstadt has shown the American flag and claimed the American character. In one case from a southern port the papers were not quite regular, but the irregularity was overlooked.

JOHN APPLETON.

To the Commander-in-chief of the Port of Cronstadt.

HIS Imperial Highness the General Admiral, foreseeing the possibility of ships belonging to the Southern States of the American Union, which have seceded from The United States of North America, arriving at our ports during the present navigation, has directed me to inform your Excellency, for your guidance, that, according to the opinion of the Minister of Foreign Affairs, the

flag of men-of-war belonging to the seceded States must not be saluted.

That there may be no obstacle in the way of commerce, merchant vessels of the seceded States are to be treated according to the rules acted on by us with regard to Italian merchant vessels sailing under the Italian flag; i.e., according to the Treaties that are at present in force (Commercial Treaty concluded between America and us, December $\frac{1}{4}$, 1832).^{*} Should the crews of vessels belonging to the seceded States not wish to acknowledge the authority of the Consuls appointed by the Federal Government of Washington, then in case of dispute, they must abide by the decision of our local authorities, in the same manner as foreigners whose governments have no representatives in our empire.

GENERAL-MAJOR GREIG,

Director of the Chancellery of the Minister of Marine.

Circular addressed to the Custom-Houses on the White, Baltic, Black, and Azoff Seas.

By order of the Minister of Finance, the Department of Foreign Trade prescribes: In case any merchant vessels arrive in our ports belonging to the Southern States of The American Union, the same not acknowledging the authority of the Government of the United States of America, the said vessels are to be treated and received as hitherto, according to the Treaty of 1832, should even their ships' papers not be in order, which may occur in consequence of the present political condition of The United States of America.

GENERAL-LIEUTENANT PASHKOFF,

Director of the Department of Foreign Trade.

SORNIN, *Chief of Section, &c.*

Mr. Clay to Mr. Seward.

(Extracts.)

St. Petersburg, August 8, 1861.

A FEW days since I laid before Prince Gortchacow the Declaration of the 7 Powers at Paris, April 16, 1856, as you had prepared it. He expressed himself favourably inclined towards allowing us to become a party, saying that Russia had in a friendly spirit in 1856 asked that America and the parties not acceding should be exempt from its force; for he desired to see The United States flourish as a naval Power. That he would take the scheme under consideration and advise me of the Emperor's conclusion. I laid before him also an additional clause, embracing Secretary Marcy's proposition: "Private goods of citizens or subjects of neutrals, and of belligerents, at sea, not contraband of war, shall not be liable to capture." Of this also he spoke favourably, but said, as

^{*} Vol. XX. Page 267.

we could not enforce it without the accession of the great Powers, it should be referred to them. I said that there must be a beginning, and that I hoped the Emperor would accept it and urge it upon the maritime Powers. Should this advance be made (and why not?) it would, most of all benefit The United States; whilst in agreeing simply to the Paris Declaration, we are most of all injured.

Your copy of despatch to Mr. Dayton you will see has just been exactly anticipated by me. I put the Paris Declaration, "pure simple," for immediate adoption, and reserved the Marcy addendum for future consideration. No doubt it will be ultimately adopted; for all the nations, except France, England, and The United States would no doubt be glad to have the commerce of the seas free from the perils of the war navies of these great Powers.

C. M. CLAY.

UNITED STATES AND DENMARK.

Mr. Wood to Mr. Seward.

SIR,

Copenhagen, July 11, 1861.

I HAVE the honour to inform the Department that, immediately on the return of Mr. Hall, the Minister for Foreign Affairs, from Jutland, and, by his request, I met him on the 10th instant. His reception was frank and cordial, and while he alluded to the opinions held by my predecessor as different from mine, he expressed himself decidedly in favour of the Administration and against the so-called Confederates. He also informed me that the King would not return to Copenhagen before the last of this month or the beginning of next.

I have, &c.

BRADFORD R. WOOD.

Mr. Wood to Mr. Seward.

SIR,

Copenhagen, July 19, 1861.

I HAVE the honour to inform the department that, in an interview yesterday I had with the President of the Council and Minister of State, Mr. Hall, he readily acceded to the doctrine of the Paris Convention in regard to privateering, though reluctant, in the present state of European affairs, to adopt the position of your predecessor, Mr. Marcy. He mentioned the fact that a Danish man-of-war had been sent to the West Indies for the purpose of preventing privateering and preserving the neutrality of Denmark.

The King is still absent, in Jutland, and my reception as the Representative of my Government by the Minister of State, without the formality of a presentation to the King, should be considered a compliment to that Government.

I have, &c.

BRADFORD R. WOOD.

UNITED STATES AND ITALY.

Mr. Dillon to Mr. Seward.

(Extract.)

Turin, June 10, 1861.

SHORTLY after my arrival, in consequence of the warlike disturbances at home, the applications, written and verbal, by disbanded officers and men of the late Garibaldian army of Southern Italy, for enlistment into The United States' army, became so numerous, that I would call attention to a card, of which I annex a copy, published at my request by His Majesty's Government in the official paper.

I have, &c.

ROMAINE DILLON.

(Inclosure.)

CARD.

Turin, May 17, 1861.

IN reply to numerous and continued applications to this Legation, by letter and in person, of foreign volunteers for enlistment in the army of the United States of America, the Undersigned takes this public means of declaring that he has no knowledge, official or non-official, of any instructions of his Government authorizing any such enlistments out of The United States.

ROMAINE DILLON, *Chargé d'Affaires, &c.**Mr. Marsh to Mr. Seward.*

(Extracts.)

Turin, June 21, 1861.

THE interruption of business in the Foreign Office of this Government, occasioned by the illness and death of Count Cavour and a week's absence of the King, which immediately followed the formation of the new Ministry, prevented me from obtaining an audience of His Majesty for the purpose of delivering my letters of credence until Sunday, the 23rd day of this month.

On that day I was received by the King, and, in accordance with my instructions, conveyed to him assurances of the high consideration in which he is held by the President and people of The United States, and of their satisfaction in observing the apparent prosperity and happiness of Italy under His Majesty's Government. I further expressed the personal gratification I had derived from being selected to represent The United States near the Government of the Italian people—a people which I had long known, and which had inspired me with deep interest—and especially from the honour of being the first Diplomat accredited to the first King of Italy.

His Majesty received these remarks very graciously, using some terms personally complimentary to me, testified much respect for the President and for yourself, and expressed a strong interest in the welfare and prosperity of The United States, as well as much

solicitude for an honorable termination of the present contest between the Government and the seceding States.

The audience was strictly private, no person but His Majesty and myself being present, and the interview was therefore of a less formal character than is usual with royal receptions. It is, perhaps, proper to add that the communication was conducted in French, which is the usual language of oral intercourse between foreign Ministers and the Sovereign or the heads of departments at this Court.

With Baron Ricasoli, the new head of the Ministry and Minister of Foreign Affairs, I have had several interviews, as well before as since my reception by the King, and I therefore am not aware that the public interests have sustained any detriment by the delay of my official reception. In all these interviews American politics have formed a leading topic of conversation, and, though Baron Ricasoli speaks with proper caution, the tenour of his remarks leaves no room for doubt that his personal sympathies, as well as those of his Government, are entirely on the side of the President and the constituted authorities of the Union in their great struggle.

The first point which I brought to the notice of the Minister of Foreign Affairs was the prevention of movements hostile to The United States in the territories of the King of Italy. I stated that I had been led to fear that some attempts were making at Genoa to fit out vessels or purchase arms for the service of the rebels, and begged that the attention of the local authorities at Genoa might be drawn to the subject. Baron Ricasoli replied that the Government would not knowingly permit any such purchases to be made, and that he would request the Minister of the Interior to direct that the police of Genoa should be watchful to detect and prevent any negotiations for that purpose.

The suggestions I made to Baron Ricasoli on this subject were founded partly on a letter from Mr. H. S. Sanford and partly on vague rumours circulating here, which I have been unable to trace to any certain foundation, though I have made inquiry in all quarters known to me which seemed to be probable sources of information. In the course of the last week I employed an Italian gentleman, then about to proceed to Genoa, and whom I believe to be entirely trustworthy, to investigate the subject on the spot. He is still absent, and as he has not written to me since arriving at Genoa I infer that he has made no discoveries.

I have communicated to Baron Ricasoli the substance of my instructions with regard to the proposed convention for the suppression of privateering and the exemption of private property from capture by national ships of war in certain cases. He replied that the Italian Government had not yet become a party to the Conven-

tion of 1856, and added that the pressure of business on his department would prevent his giving immediate attention to the subject; but he expressed no objection to a negotiation on the basis proposed in your instructions of the 24th of April, 1861, or even on the broader ground of the total exemption of all private property not contraband of war from capture at sea by ships of war in all cases.

The Italian Parliament is now in session, and will probably not adjourn before the 15th or 20th of July. The Cabinet Ministers are members, as in England, and regularly attend the sessions, which occupy a large part of the day. Many important topics are under discussion in Parliament, and still more weighty questions of domestic and foreign policy are making large demands on the time and absorbing the thoughts of the administration. It is, therefore not probable, as Baron Ricasoli intimated, that he will be able to consider the subject of the Convention until the adjournment of the national legislature shall leave him more at leisure. In the meantime the negotiations with the English and French Governments on the same subject will probably be brought to a close, and the final decision of the Italian Government will be much influenced by that of England and France.

The death of Count Cavour, after an illness of a week's duration, and which, for the first few days, was not of a threatening character, was a great shock to the friends of constitutional liberty and progress, and an occasion of much ill-suppressed exultation among the advocates of temporal and spiritual despotism throughout Europe, and especially in Italy. To me, personally, it is a source of profound regret, both for less selfish reasons and because I had special grounds for expecting, more from his often expressed high regard for the President and yourself than from any other cause, agreeable private and official relations with this great statesman.

The successor of Count Cavour—and I may apply the same remark to most if not all of the members of the Cabinet—is a man of a high order of talent, of great devotion to the interests of his country, of the same general doctrines of national policy as his predecessor, and of sincere attachment to the principles of civil and religious liberty. The remarkable unanimity with which the new Cabinet is sustained by the Parliament is a favourable omen, so far as respects the domestic success of the Government; and there is some reason to think that the death of a Prime Minister, who was regarded with so much personal ill-will by the reactionary party in Italy and elsewhere in Europe, may tend to diminish the asperity with which this policy has been hitherto opposed by that party.

GEO. P. MARSH.

Mr. Marsh to Mr. Seward.

(Extracts.)

Turin, July 6, 1861.

HAVING heard a report that Mr. Patterson, Consul of The United States at Genoa, expects a commission from the Southern Confederacy to act as Consul of the rebel States at that port, I called on Baron Ricasoli yesterday morning, and protested against the recognition of Mr. Patterson, or of any other person, as a Consular Agent of the Confederacy.

Baron Ricasoli assured me that, under present circumstances, at least, no such agent would be recognized at any Italian port, and he took occasion to repeat, in strong language, the expression of his own warm sympathy with the Federal Government of The United States, and his earnest hope that the present contest between the Government and the seceding States would end in the re-establishment of the lawful authority of the Union, and be settled on terms which would secure the triumph of the principles of freedom, and the ultimate extinction of human slavery. He added that, in these expressions he was speaking the sentiments of His Majesty and of the entire Government of which he was a member.

I then referred to apprehensions which had been expressed in America of the fitting out of privateers in remote Italian ports under the Confederate flag. He replied that the government officers would endeavour to prevent such violations of the laws, but that it would be difficult to exercise a vigilant supervision over all the remote and unfrequented ports of the peninsula and islands, and he advised the appointment of American Consuls at points favourable for observation along the coasts, as a good means of detecting and preventing such movements.

I had on the same day, an audience of the Prince of Carignano, who expressed opinions and feelings similar to those of Baron Ricasoli with respect to our present national difficulties, and I may add that every member of the Government, and almost every gentleman in public life, with whom I have conversed at Turin, coincides in these sentiments.

The favourable sentiments with which the present administration of the Federal Government is regarded by most continental statesmen, are founded (independently of the high personal regard felt for the President and his constitutional advisers) partly on the opinion that it is sustaining the cause of constitutional authority, of the entirety of nationalities, and of established order against causeless rebellion, violent disruption of a commonwealth essentially a unit, and disorganizing and lawless misrule; but still more, I think, on the belief that the struggle in which it is now involved is virtually a contest between the propagandists of domestic slavery and the advocates of emancipation and universal freedom. If the civil war

be protracted, I am convinced that our hold upon the sympathy and goodwill of the Governments, and still more of the people of Europe, will depend upon the distinctness with which this issue is kept before them, and if it were now proposed by the Federal Government to purchase the submission of the South by any concession to their demands on this subject, or by assuming any attitude but that of, at least, moral hostility to slavery, I have no doubt that the dissolution of the Union would be both desired and promoted by a vast majority of those who now hope for its perpetuation.

GEORGE P. MARSH.

Mr. Marsh to Mr. Seward.

SIR,

Turin, September 2, 1861.

I HAVE the honour to enclose herewith a copy of a note addressed by me to Baron Ricasoli on the 26th ultimo, in relation to the proposed Convention for the accession of The United States to the declaration of the Congress of Paris in 1856.

By my instructions, under date of April 24, 1861, I am directed as follows:—"To ascertain whether it (the Government of His Majesty the King of Italy) is disposed to enter into negotiations for the accession of The United States to the declaration of the Paris Congress, with the conditions annexed by that body to the same; and if you shall find the Government so disposed, you will then enter into a convention to that effect, substantially in the form of a project for that purpose herewith transmitted to you."

The project transmitted with the instructions makes no mention of the important conditions referred to in the instructions, and therefore, in drawing up the note, I thought it best not to notice the conditions specifically, but to make the proposal in general terms, leaving that point to be arranged, if suggested by the Italian Government, as I shall be instructed hereafter.

I have, &c.

GEORGE P. MARSH.

(Inclosure.)—Mr. Marsh to Baron Ricasoli.

Turin, August 26, 1861.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, as he had the honour to state in one of his first interviews with his Excellency the Minister of Foreign Affairs, is instructed to propose the negotiation between the Government of The United States and the Government of His Majesty the King of Italy for defining the rights of belligerents and neutrals in maritime warfare, in accordance with the principles adopted by the Congress of Paris in the year 1856.

Similar instructions have been given by the President to the American Ministers at the courts of the other maritime Powers, and negotiations to that effect are now in progress with all the Governments represented at the Congress of Paris.

It will be remembered by his Excellency the Minister of Foreign Affairs that in the year 1854 the President of The United States submitted to the several maritime nations two propositions, to which he solicited their assent as permanent principles of international law.

These were :

1. Free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

These propositions were favourably entertained by most of the Governments to which they were submitted, but no formal Convention for their recognition was negotiated between them and The United States.

The Congress of Paris, at which most of the European Powers were represented, adopted, upon the 16th of April, 1856, an agreement embracing substantially these principles, with two additional propositions; all of which were embodied in a declaration composed of four Articles, namely :

ART. I. Privateering is and remains abolished.

II. The neutral flag covers enemy's goods, with the exception of contraband of war.

III. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

IV. Blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Congress further agreed to invite the maritime States not represented in that body to accede to these propositions, and the assent of the Government of The United States was asked to them accordingly.

The then President of The United States, Franklin Pierce, did not accede to the stipulations of the Convention, but proposed an amendment to the first Article, which should exempt the private property of individuals, though belonging to belligerent states, from seizure or confiscation by national vessels in maritime war; and the ministers of The United States at Paris and London were instructed to inform the Governments to which they were accredited that the United States would accede to the four points above recited, pro-

vided the first of them should be amended to the effect proposed by the President.

Neither of these Governments is understood to have objected to this amendment, but the negotiations were not prosecuted to a conclusion.

The President of The United States adheres to the opinion expressed by his predecessor, that it would be eminently desirable for the good of all nations that the property and effects of private individuals, not contraband, should be exempt from seizure and confiscation by national vessels in maritime war. But the proposal to that effect not having been accepted by the nations represented in the Congress of 1856, he now offers to accede to the invitation of the powers, and to accept the declaration promulgated by it, deferring to a future occasion the further prosecution of negotiations for the general adoption of the amendment above specified.

The Undersigned is invested with full powers to conclude, on the part of the President, a Convention between the Government of The United States and that of His Majesty the King of Italy for the adoption of the declaration of the Congress of Paris, and begs leave to invite the attention of his Excellency the Minister of Foreign Affairs to the proposal. The Undersigned, &c.

GEORGE P. MARSH.

Mr. Seward to Mr. Marsh.

(Extract.)

Washington, November 22, 1861.

I HAVE your despatch of October 29.

The British and French Governments, which stand at the head of the maritime Powers, having declined our adhesion to the declaration of Paris without conditions which The United States cannot yield, there is no important object to be attained by pressing the same upon other powers. You will therefore let the matter rest in Italy for the present.

I think that when at no distant day it shall need to be renewed, the interest that shall move it forward will appear first on the other side of the Atlantic.

WILLIAM H. SEWARD.

UNITED STATES AND NETHERLANDS.

Mr. Murphy to the Minister for Foreign Affairs.

The Hague, April 8, 1861.

THE Undersigned, Minister Resident of The United States of America, has the honour to address his Excellency Baron Van Zuylen Van Nijeveld, Minister of Foreign Affairs of His Majesty the King of the Netherlands, on the subject of the present complication of the internal political affairs of The United States, and, for the better understanding of the views of his Government in

relation thereto, to invite the attention of his Excellency to the accompanying address of the President on assuming the administration of the Federal Union. His Excellency will find therein a statement of the alleged grievances, of the revolutionary nature of the proceedings of a number of the States of the Union which have attempted to secede and have formed a Provisional Government of their own, and of the line of policy which the Government of the Union will pursue for the purpose of preserving peace and for the maintenance of the Union.

The Undersigned will further remark, in explanation of this statement of the President in regard to the character of the secession movement, that the Government of The United States is not simply a confederation, but a union, which has been invested by the people of the different States, acting in their original sovereign capacity, with certain powers, which are exclusive and paramount throughout the Republic, such as the making of war and peace, the regulation of commerce, whether between the States themselves or with foreign nations, the establishment of post offices and post roads, the defining and punishing piracies and felonies on the high seas, the maintenance of a navy, and the laying and collecting taxes and duties for the common defence and welfare, besides various others entirely of a domestic bearing, but all operating on all the States and citizens thereof as one people. In other words, in all that concerns the foreign relations of the several States, as well as in many details of internal regulation, The United States are as much a consolidated Government as the kingdom of the Netherlands, with its provincial divisions and assemblies—the only difference being, that in The United States all powers not granted to the Federal Government are reserved to the States and the people, and, consequently, original and more extensive powers are exercised by the legislatures of the several States. Any attempt, therefore, on the part of any State or number of States, or of any section of a State, to interfere with the exercise of the powers conferred on the general Government by the Constitution is revolutionary: and any pretended or actual exercise of like powers by them is an usurpation.

The condition of affairs now existing in The United States is altogether of an anomalous character, arising from the principles upon which the Government is founded. Those principles acknowledge the right of self-government in the people, and the exercise of perfect freedom of speech, of assemblage, and of the press. A majority of the electors, in the manner and under the forms prescribed by the Constitution, elect the President, and thus give administrative vitality to the Government. In the canvass preceding the election, which takes place every 4 years, discussions of

subjects of vital interest to the country are carried on in the press and on the stump with such effect that, although the voting body comprised over 3,000,000 of persons, probably not 5 per cent. of the whole number fail to vote on such occasions. Popular passion is aroused, every motive is appealed to by the rival parties, and, when a conclusion is reached, there is oftentimes a feeling of disappointment on the part of the minority. But this feeling has never heretofore interfered with the loyal submission to the will of the majority. In the recent canvass, the questions connected with the institution of slavery were almost exclusively agitated, principally in regard to its extension into the territories, or, as it might be termed in this country, the lands of the generality. The decision of the people has been adverse to such extension, but altogether by the votes of the non-slave-holding States. Advantage has been taken of this circumstance by designing men to make the minority, or rather that portion of it residing in the slave-holding States, believe that their constitutional rights, in regard to that species of property known as slaves, were in danger of being destroyed by the majority. The fear of such a consequence is groundless; but, acting upon such apprehensions, the people of the seceding States have precipitated themselves into their present position.

No complaint has been made in any quarter of any improper act of the general Government, or of any violation by it of its powers, or of the rights of slaveholders, as a ground for the existing discontent. The evils are anticipatory only, so far as the action of the general Government is concerned. On the other hand it is true that, notwithstanding the apprehensions and fears which have been excited in the bosoms of a portion of the American people in regard to the policy of the Government, and the steps which have been taken by them for the formation of an independent Government, it is not to be doubted that the great majority of the people of these seceding States still cherish a love for the Union of their fathers, its memories, its prestige, and its blessings. Independent of this fact, the permanent dismemberment of the Union is fraught with so much evil to them, as well as to the country at large, as to justify the belief that a calm view of the consequences, combined with their patriotism, will cause them to retrace their steps. A separate Government on their part entails the necessity not only of an entire new corps of officers of Government, but also of a standing army where none now is necessary, of an independent navy, of a cordon of revenue officers along an extensive coast and frontier line: all attended with heavy expense and increased taxes. These consequences, and the severance of family ties and brotherhood existing between individuals residing in different States, are to come home to them when passion and delusion shall have passed away; and

when they shall discover, as discover they will, that the general Government entertains no designs against their peace or property, but on the other hand will, as it is bound to do, defend both.

The Undersigned would also impress upon the Government of His Majesty the fact that no one questions the election of the President according to the provisions of the Constitution. He is the choice of the country, and is fairly entitled to the exercise of all the powers conferred upon the executive head of the Federal Government by the Constitution. Every citizen within every State is bound to obedience to his lawful authority. It is the sworn duty of the President to administer faithfully the Constitution and laws of The United States, and the obligation of every citizen and individual is perfect to uphold and sustain him in its performance. But the President will seek by a just and liberal administration, and by a paternal regard for the rights and feelings of all sections of the country, to give occasion and opportunity for the deliberate and loyal action of the people. It is under these circumstances that the President entertains the fullest confidence in the restoration of the harmony and unity of the Government at no very distant day.

The friendship and goodwill which His Majesty the King of the Netherlands has always manifested towards The United States, the President regards as an assurance that His Majesty's Government will not yield to solicitations to intervene in an unfriendly way in the domestic affairs of The United States. It is evident that any encouragement to disaffection from abroad would thwart the efforts of the President for a reconciliation, and defeat his just expectations in that regard. It is a question, moreover, which involves important interests to all nations with which The United States are in commercial relation, and to all constitutional Governments. The form of Government which the people of The United States have adopted, is one which experience has proven is best adapted for the peace and protection of the States, for the welfare of the people, and for the development of the enterprise and resources of its vast territory. Nor has its influence, it is believed, been without its salutary effect upon the fatherlands, whence that population has originally sprung.

It has, however, been a Government of example only as to other nations, and has steadily pursued the policy of not interfering with their internal affairs. Under it close commercial relations have sprung up, particularly with all the Western Powers of Europe, and with the kingdom of the Netherlands which have never for a moment—now more than three-fourths of a century—been interrupted. If at present there happen some inconveniences to the trading interests of the subjects of His Majesty, it will be the endeavour of the President to render them as light and transient as possible; and should any injury be sustained therefrom by the subjects of His Majesty,

the President is determined, the Undersigned is instructed to say, that they shall, so far as it may rest with him, be amply indemnified. Should a state of civil war be precipitated, by any cause whatever, those inconveniences would be turned into evils of a wide-spread and disastrous character to other nations. Not only would the channels of commerce be closed, or, at least seriously interrupted, and the agricultural and mining products of The United States, many of which have become necessary for other nations, be withheld; but the political systems of Europe and the causes of well-regulated and constitutional Government would suffer everywhere. A state of anarchy must ensue if the revolution be pursued. It is not to be expected that an empire of 31,000,000 of souls can be broken up, and the glories and blessings of its free Government be thrown away at the behest of 6,000,000, one-half of whom only are of the white race. The policy hitherto has been, on the part of the general Government, and will continue to be, to avert such a calamity; and in asking the non-intervention of friendly nations, while it pursues a course of peace itself, it demands, it is confidently believed, what is most consistent with the cause of humanity and good government everywhere. And to no Power is this caution addressed with more confidence than to His Majesty the King of the Netherlands.

The Undersigned, &c.

HENRY C. MURPHY.

M. Zuylen de Nijvelt to Mr. Murphy.

(Translation.)

The Hague, April 26, 1861.

THE Undersigned, Minister for Foreign Affairs, has had the honour to receive the note which Mr. Murphy, Minister resident of the United States of America, has pleased to address to him on the subject of the existing complications of political affairs in The United States; the said note being accompanied, for the better understanding of the views of his Government, by the address delivered by his Excellency the President on assuming the administration of the Federal Union.

In calling, by his note, the attention of the Undersigned to the exposition contained in the address of the wrongs alleged by some States of the Union, of their proceedings to attempt a separation, and the formation of a separate Provisional Government, as well as on the line of conduct which the Federal Government proposes to follow for the purpose of preserving peace and upholding the Union, Mr. Murphy further remarks, in explaining this part of the President's address, upon the character of the secessionist movement, that the Government of The United States is not merely a confederation but a union, invested by the people of the different States with

[1860-61. LI.]

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powers, exclusive and controlling throughout the Republic—powers which, embracing the foreign relations and numerous details of domestic interest, operate over all the States and over their citizens collectively, so that, adds the note, any attempt of a number of States, or of any part of a State, to interrupt the exercise of the powers confided to the general Government is revolutionary; and any exercise, pretended or real on their part, of like powers, is usurpation.

After having enunciated these principles as the basis of the general Government, and pointed out the mode established for the election of President, the Minister resident enters into some details about the recent election of the actual President; the result is, that on former elections the will of the majority has not been loyally submitted to; but that this example has not been followed by the minority in respect to Mr. Lincoln, whose election, furthermore, is in no wise contested in regard of its constitutional validity. This fact the said note attributes to apprehensions entertained in the Slave States that a blow might be aimed at this portion of their property—apprehensions which nothing in the intentions of the general Government justify, but which have prepared the way upon which those States have rushed.

Nevertheless and despite the fears excited among a noticeable portion of the American people, notwithstanding the attempt made to form an independent government, the Government of The United States is persuaded, according to the note, that the great majority of the people in the separatist States will constantly preserve its regard for the Union of their fathers, their memory, their influence, and their greatness. But, independently of this fact, the mischiefs and disadvantages which a permanent dismemberment of the Union would draw, as well upon the separating States as upon the country generally, justifies the expectation that upon a calm review of the circumstances they will come back upon a better track.

The President, flattering himself that he will see the harmony and unity of the Government soon established, and relying on the friendship and good understanding existing between the two countries, expresses through the channel of Mr. Murphy his confidence that His Majesty the King of the Netherlands will not lend himself to applications for interference in the domestic affairs of The United States, unless in an amicable and conciliatory sense, nor to any encouragement whatever of the disaffected, which would only counteract the efforts of the President to bring about a reconciliation.

Finally, Mr. Murphy wishes to give assurance that the President will strongly endeavour to lessen as much as possible the inconveniences which must result to commerce from the actual condition

of things, and that he proposes to indemnify the injury which the subjects of His Majesty may suffer as far as may depend upon him.

The Undersigned having placed the above-mentioned note before the King, His Majesty was particularly grieved by its contents. He has charged me to signify this to the Minister resident, adding that if he deeply deplores the situation in which The United States are for the moment placed, nevertheless he has been happy to witness the confidence which the Government expresses of being able to surmount existing difficulties; that he entertains the most sincere wishes for the success of the efforts which will be made for the purpose of saving and preserving not only the interests of the States of the Union, but also the interests of the political and commercial world in general.

The Undersigned, in acquitting himself of these orders by these presents, has the honour at the same time to bring to Mr. Murphy's knowledge that, so long ago as the month of December the King's envoy at Washington directed the Consuls of the Netherlands in The United States to abstain from any interference whatever in political affairs in the districts of the Consular offices, and that this prescription was approved afterwards by the Government of the Netherlands.

The Undersigned, &c.

DE ZUYLEN DE NIJEVELT.

Mr. Pike to Mr. Seward.

(Extract.)

The Hague, June 12, 1861.

I HAVE taken the earliest opportunity to have an interview with the Minister of Foreign Affairs upon the condition of the internal concerns of The United States, and also upon the subject matter of your despatch, to which I referred in my last.

I assured him of the determined purpose of The United States Government to put down the rebellion of the seceding States at all hazards, and stated its determination to adopt whatever measures are necessary to accomplish that object. I explained to him the character of the rebellion, and showed it to be merely a war on behalf of African slavery, and that if we had no slavery we should have no war and no rebellion. I further explained that the Government possessed extraordinary means of ending the rebellion whenever it chose to employ them. The union of the States could be restored whenever the Government saw fit to render the institutions of the several States homogeneous. For when they were once made free States there would be no wish to separate and no tendency to separation. But I observed that the Government was desirous to adopt only moderate measures, and hoped that such measures would be sufficient to cause the leaders of the rebellion to succumb and to restore

peace. But to accomplish the high object of maintaining the Government and preserving the territory of the country from dismemberment, it was ready to make any sacrifice of mere material interests that necessity demanded. I showed that the Government had abundant resources, and more men offering for the military service than it could employ.

The Minister of Foreign Affairs, in reply to my inquiries, informed me that no agent or agents of the seceding States had appeared here, though he had heard they were in London. He said they would receive no countenance if they were to come. He observed that the Dutch Government had considered the question of the proposed letters of marque to be issued by the seceding States, and were upon the point of issuing a proclamation and orders forbidding the use of their ports by privateers, a copy of which he said he would furnish me as soon as issued.

He expressed the opinion that the Powers of Europe were unanimously in favour of the Paris declaration abolishing privateering, and said if The United States would concur in it that privateers would have to be regarded as "sea-robbers." He believed there would be no opposition to negotiating Treaties, based on the propositions of the Paris Conference, with all the European Powers which had agreed to them, of which Holland was one.

The Minister seemed to be aware of the causeless character of the rebellion in the seceding States, and of the ability of the Government to deal with it, concurring in the opinion that we had more men than were needed.

He informed me that his Government had ordered four ships-of-war to be in readiness to sail for America to look after its commercial interest there, and that the first ship would be despatched on the 15th instant, and that the others would speedily follow. I subsequently learned from the Minister of Marine that the fleet would consist of two frigates and two brigs-of-war, and that after the flagship had communicated with the Dutch Minister at Washington, the fleet would rendezvous at Curaçoa, and spend the winter in the West India seas.

I forebore to press the question of the immediate negotiation of a Treaty in reference to privateering. Having satisfied myself of the favourable disposition of the Government in respect to the question, and having learned its intention to issue the proclamation and orders referred to, and intimated with sufficient distinctness the ground 'The United States' Government was now disposed to occupy on that subject, I thought it prudent to await further developments of the question by our Ministers at the courts of France and England, whose example Holland would be sure to wait for. I did not deem it advisable to ask the Government here to take a lead to which I

was aware it would be adverse. I shall be on the alert to seize the proper moment to recur to this subject.

JAMES S. PIKE.

Mr. Pike to Mr. Seward.

(Extract.)

The Hague, June 16, 1861.

I HAVE obtained from the Minister of Foreign Affairs copies of the proclamations about to be issued by this Government in relation to the letters of marque recently issued by the Montgomery revolutionists.

I have the honour to enclose the copies transmitted to me in the original Dutch. I see the instructions to Ministers forbid the application of the contingent fund to pay translators, and I infer from this that the department prefers original documents. These papers warn the Dutch people against privateering, as an unlawful proceeding which may be deemed piracy, and they forbid the use of the ports of the Netherlands to privateers under any flag. They refer also to the fact of the adhesion of Holland to the Declaration of the Congress of Paris in respect to maritime rights, made in 1856. It will likewise be observed that the Dutch Government abstains from following the British example in excluding prizes brought in by ships-of-war.

JAMES S. PIKE.

(Inclosure 1.)

(Translation.)

At the Hague.

IN obedience to the King's orders the Ministers for Foreign Affairs, of Justice, and of the Marine, present to the knowledge of all it may concern, that to guard against probable difficulties during the doubtful complications in the United States of North America, no privateers under any flag soever, or provided with any commission or letters of marque, or their prizes, shall be admitted into our havens or seaports, unless in case of marine disaster, and that requisite orders be issued that under any circumstances such privateers and their prizes be required to go again to sea as speedily as possible.

The Ministers above named.

(Inclosure 2.)

(Translation.)

The Hague.

THE Minister for Foreign Affairs and the Minister of Justice, by the King's authority, warn, by these presents, all inhabitants of the Kingdom, that during the existing disturbances in The United States of America they in nowise take part in privateering, because the Netherlands Government has acceded to the declaration upon maritime rights set forth by the Paris Conference of 1856, whereby, among other matters, privateering is abolished, and no recognition

of commissions got for letters of marque permitted. Also that commissions and letters of marque, in conflict with the aforesaid prohibition, which may issue to inhabitants of the Netherlands, cannot have a lawful effect in behalf of the King's subjects, or of any abroad who are in subjection to the laws of the Kingdom. Those who, under such circumstances, engage in or lend their aid in privateering to other people, will be considered as pirates, and prosecuted according to law in the Netherlands, and subjected to the punishment provided for the commission of such offences.

The Ministers above named.

(Inclosure 3.)

(Translation.)

The Hague, June, 1861.

THE Minister for Foreign Affairs, apprised by a communication from the Minister of Marine, that the King has authorized the naval force in the West Indies to be seasonably strengthened by His Majesty's steam frigate *Zeeland*, and the screw propellers *Dyambi* and *Vesuvius*, for the purpose of giving protection to the trade and navigation of the Netherlands during the contest which seems to be in existence in The United States of North America, wherever it may be desired, therefore esteems it to be his duty to direct the attention of ship-masters, consignees, and freighters, to the peril to which their insurance against loss will be exposed by any violation of the obligations imposed on neutral Powers to respect actual blockades, and not to carry contraband of war, or despatches of belligerents.

In these cases they will be subject to all the resulting losses that may follow, without the benefit of any protection or intervention on the part of His Majesty's Government. Of which take notice.

The Minister above named.

Mr. Pike to Mr. Seward.

(Extract.)

The Hague, September 11, 1861.

SUBSEQUENTLY to the interviews I had with the Minister of Foreign Affairs, of which I spoke in my last, and after the transmission to you of my despatch of the 4th instant, I addressed the following communication to Baron Van Zuylen :

SIR,

The Hague, September 7, 1861.

I do not understand this Government to have yet distinctly conceded "belligerent rights" to the self-styled Confederate States.

In behalf of my Government I beg to say that I trust Holland will not take this position now, and open the questions to flow therefrom. By doing so, this Government may make an enemy of The United States, through the consequences growing out of that act.

But Holland will not thereby make a friend of the rash and misguided men who lead the rebellion against the American Government; for their object is to perpetuate and extend African slavery. With this object Holland can have no sympathy. Your Government has just now determined to abolish that remnant of barbarism in your colonial possessions.

The slaveholders' rebellion cannot be successful. The United States has determined it shall not be, and that it will preserve the union of the States at whatever cost.

But even if we admit, for argument's sake, that some of the slaveholding States should be allowed hereafter to depart from the Union, still would the rebellion be unsuccessful in its objects, and hospitality shown to its progress be unavailing. The United States would be still resolute to defeat the purposes of the rebel slaveholder. They would do this by their own unaided efforts. They might readily co-operate with foreign powers to the same end. Such of those powers as hold possessions in America, wherein slavery has been abolished, would join in this object from motives of justice and humanity, as well as from considerations of policy and consistency. Those who have colonies where the practice still prevails would gladly concur in self-defence. England having abolished slavery, France having put it under her feet, the position of these two great maritime powers on this subject is fixed. The recent action of the French Emperor is conclusive as to the policy of that powerful monarchy. Spain, in her late trespass upon St. Domingo, has been constrained to formally stipulate that she will not reintroduce slavery in that island; Mexico and Central America will be only too eager to enter into stipulations that shall save them from any attempted spoliation, and preserve the condition of freedom from slavery for all their inhabitants now and hereafter. A common civilization throughout the world will look with favour on a common union to crush the offensive purposes of the rebellious slaveholder. His success, therefore, is out of the question. Unless the world is to go backward, and history reverse its lessons, this rebellion in its leading purpose is foredoomed. Even Governments cannot save that against which humanity revolts. Surrounded by communities on the north, on the south, on the west, that have expelled slavery; the islands of the Caribbean sea nearly all emancipated from this pestilent system; the fabric of the rebellious slaveholder, which he is so madly ambitious to erect, were even its temporary establishment possible, would soon be washed away by the attrition of surrounding influence upon its crumbling foundations, and its remains left a ruin in the world.

It is thus neither just nor politic, in any point of view, for the Powers of Europe to do anything to encourage this abortive and

criminal enterprise of the rebellious American slaveholder. For though they should do ever so much, the effort will be none the less abortive, through the operation of forces that Governments cannot control.

The recognition of "belligerent rights" to the party in question by England and France was a precipitate and unnecessary act. It was surely time enough to do this when the alternative presented an embarrassing situation.

The Dutch Government has been wiser. In continuing to occupy the position of refusing all countenance to the authors of such a hateful rebellion, the Netherlands will do an act which will be viewed with the liveliest satisfaction by The United States, and, I may be permitted to add, one worthy the traditions of this ancient and renowned State, and will set an example well worthy the respect and consideration of other nations.

The Undersigned, &c.

On the 9th instant I had an interview with Baron Van Zuylen, again urging him in the most earnest manner to issue such instructions to the Dutch authorities in the West Indies as would peremptorily exclude from their ports every species of craft set afloat by the secessionists.

Baron Van Zuylen appears, and I have no doubt is, very desirous to do all he possibly can, under what he deems the requirements of public law, to carry out the wishes of The United States in this matter. He does not consider that his Government has recognized belligerent rights, and desires not to be pressed on that point. I told him we had no desire to press him to do anything, except to issue such instructions to his colonial Governors as will effectually exclude the piratical vessels of the secessionists from making use of the Dutch ports.

He asked then if we would consent to have our own ships of war excluded. I told him if that was necessary to relieve him from a dilemma, I did not know how far such an act might be tolerated for the sake of an advantage which we could procure in no other way. We might not find fault, if thereby we found our interests advanced. But of course, I could not undertake to commit my Government on the point. I remarked that exclusion would not operate to our disadvantage, inasmuch as we had command of the sea, while it would be fatal to the plunderers, as they had no retreat at home. He intimated that his Government contemplated making the proposition to The United States. He also remarked that the course of our own Government threw impediments in their way; for while we regarded the secessionists as rebels, we did not seem to treat them as such when taken prisoners, not even their priva-

teers. I concluded the interview, by renewedly urging every consideration I could adduce to induce him to issue the desired orders, and to lose no time in doing it.

He will soon make a written communication on the whole subject, which I will forward at the earliest moment after receiving it.

After my interview, I addressed Baron Van Zuylen the following note :

SIR,

The Hague, September 9, 1861.

REFERRING to our conversation of to-day, I beg to suggest that what appears to you a practical difficulty may, it seems to me, be properly overcome by your Government issuing orders to its colonial authorities to regard all armed vessels bearing the so-called Confederate flag as privateers. They are so in fact, and they should not be allowed to shield themselves under any other pretext. Unless a vessel claiming to be a ship of war exhibit some *prima facie* evidence of being such, in her size, and in her other external symbols and aspects, which these piratical craft do not, the proper authorities may well claim the right to decline all investigation of the case, and assume her unlawful character.

The Undersigned, &c.

Baron Van Zuylen.

JAMES S. PIKE.

UNITED STATES AND PORTUGAL.

Mr. Morgan to M. d'Avila.

SIR,

Lisbon, May 27, 1861.

A COMBINATION of individuals in certain of the southern States of The United States, have raised the standard of insurrection, and under the pretended authority of the self-styled Confederate States of America have threatened to grant pretended letters of marque for the purpose of committing assaults on the lives, vessels, and property of good citizens of The United States, lawfully engaged in commerce on the high seas, and in the waters of The United States. And, in consequence thereof, on the 19th day of April, 1861, and the 85th year of the independence of The United States, the President, by formal proclamation, declared that if any person, under the pretended authority of the said so-called but unrecognized Confederate States, or under any other pretence, shall molest a vessel of The United States, or the persons or cargo on board of her, that such person will be held amenable to the laws of The United States for the punishment of piracy.

In the name, therefore, of the Government of The United States, I have the honour to request that the Government of His Most

Faithful Majesty may cause such measures to be taken as will effectually prevent any vessel from being prepared in any of His Majesty's ports for the aforesaid piratical purposes.

Under the conviction that reliable information as to said insurrection will be gratifying to His Majesty's Government, I briefly submit the following statement :

1. The Government of the so-called Confederate States has been neither recognized by any sovereign State, nor has it been acknowledged by the people it professes to represent. But, on the contrary, the combination of individuals who have usurped the title of a Government refuse to submit their Constitution to the ratification or rejection of the citizens of said States.

2. The insurrectionists are wanting in the great elements necessary to successful war. Their ports are strictly blockaded; their supplies are cut off by land and by sea, and within themselves they are destitute of the means of carrying on a prolonged struggle.

3. That while it may be difficult to predict the length of time which may be required to suppress the insurrection, yet in the future nothing can be more certain than are the vindication of the national flag and the perfect restoration of order and prosperity under the Constitution of The United States.

It affords, &c.

GEORGE W. MORGAN.

Mr. Harvey to Mr. Seward.

SIR,

Lisbon, July 25, 1861.

I HAVE just had my first interview with M. d'Avila, the Minister of Foreign Affairs, since being presented to the King, and desire to report its purpose and character. While no instructions have reached me in regard to the desired action of this Government concerning privateers, I considered it proper, in view of the facilities offered by the ports of Portugal and her colonies to prizes, to call the attention of the proper authorities to it at the earliest opportunity when I was in an official position to do so with effect.

On the very day of my arrival here, and when I did not anticipate the painful delays and difficulties which have since occurred, I told General Morgan of my intention to ask for a proclamation excluding privateers, as soon as I was presented. He addressed a note to the Foreign Office on the 2nd instant, in which the general question was discussed at much length. And although he afterwards called several times upon M. d'Avila, no answer was obtained before his departure yesterday.

These were the circumstances under which I felt it necessary to go forward and to ask for some decisive action. I told M. d'Avila frankly that I did not desire to signalize my advent here by any

protracted correspondence, and least of all by a controversy, and that the sentiments which I had expressed at my audience of presentation were those which really animated me. I informed him that a condition of affairs existed in The United States which required me to claim an early and positive expression of views by the Portuguese Government on this subject, and therefore he must excuse my seeming urgency. He inquired if I adopted the note which General Morgan had addressed to him. I answered, that I accepted the principle, but was willing to waive a correspondence, if the object could be accomplished by a direct and candid interchange of opinions orally, when there would be less difficulty in understanding each other, and a readier mode of reaching a conclusion promptly. He concurred in this suggestion, and said it reflected his own sincere dispositions.

I then told him that a proclamation forbidding the ports of Portugal and her colonies to privateers and their prizes, in explicit terms, would, be satisfactory, and argued that, as Portugal had acquiesced in the Treaty of Paris of 1856, there ought to be no difficulty in making this declaration. In order to strengthen the reason, I suggested that the proclamation might be made broad and general, because I most desired the assertion of a practical principle which would cover the case completely. He seemed to assent to the idea, and remarked that it was disembarassed materially by the fact that the Government of The United States had discountenanced the issuing of letters of marque. I told him that the Government had not only done that, but that it deprecated and denounced the system, which certain insurrectionary and tumultuous assemblages of people had proclaimed with a professed authority.

In order that no misapprehension might occur, I notified M. d'Avila that a proclamation or declaration which, in doubtful phrases or by implication, recognized the existence of any pretended organization in The United States, independent of the Government which accredited me, and which alone has power to make Treaties and conduct diplomatic intercourse, would be regarded as a most unfriendly act by the President.

After again urging upon him reasons for an early decision, he explained that the Cortes were now in session night and day, but expected to adjourn soon, when he would lay the matter before the King's Council, and obtain their opinion, which he thought would conform to my request. I asked him to name a convenient day when an answer might be expected. He declined fixing a time certain, but expressed the belief that by the middle of next week the Council could be convened, and this subject should have precedence over all others.

In proposing a proclamation such as I have suggested, vessels-of-war and their prizes would be allowed entry to the ports of Portugal, which the English and French Governments have expressly excluded, putting them on the same footing with privateers. As I have acted upon my own motion in this matter, I submit it to your approbation.

With high respect, &c.

JAMES E. HARVEY.

Mr. Harvey to Mr. Seward.

(Extract.)

Lisbon, July 28, 1861.

SINCE my despatch of the 25th instant, information reached me * * that plans were concerted by the parties who had recently applied for the privilege of fitting out a privateer, and others, to accept letters of marque from the so-called Confederate States, and to use some of the remote Islands of Portugal as places of rendezvous for outfit, and for the disposal of any prizes that might be taken.

In view of the facilities offered for these nefarious enterprizes in the Azores, Madeira, Cape de Verd, and other islands, as well as in the small Indian possessions of that Kingdom, I felt it proper to address the note, of which a copy is inclosed, to the Minister of Foreign Affairs, yesterday, as a means of inducing him to take immediate and decisive action on the subject. These facts will serve to explain the seemingly urgent tone of my note, which I thought demanded by the necessity of the case.

JAMES E. HARVEY.

(Inclosure.)—Mr. Harvey to M. d'Avila.

July 27, 1861.

THE Undersigned presents his compliments to his Excellency M. d'Avila, Minister of Foreign Affairs of His Most Faithful Majesty, and begs leave to repeat in this form, for the convenience of a more precise understanding, the substance of the ideas which he had the honour to express in his interview with his Excellency on the 25th instant.

Portugal has acceded fully to the anti-privateering doctrine established by the declaration of the Congress of Paris of April, 1856, to which the assent of The United States has recently been given.

Opposed to the principle and practice of privateering, Portugal ought not to hesitate, as it appears to the Undersigned, to declare by general proclamation, as a general principle and rule, that her ports are no longer open to privateers or their prizes.

This is the extent of the present request of the Undersigned. He does not ask that Portugal shall make any particular application of the general rule to the peculiar and unhappy state of things now existing in The United States, nor that any unnecessary notice or cognizance should be taken of the disturbed condition of domestic affairs in The United States. Indeed, the Government of The United States would not view with satisfaction any such superfluous and unnecessary expression of views or sentiments by any foreign Power in regard to a state of things purely domestic, local, and temporary, to which a satisfactory termination will soon be placed by the ample power of The United States' Government. On the contrary, as the Undersigned took occasion to assure his Excellency M. d'Avila, at the personal interview referred to, any declaration which recognized the existence, even by implication, of a pretended organization in The United States, independent of the Government, which alone has the power to make Treaties, and to conduct diplomatic intercourse, and the authority of which cannot be questioned, would be considered as a most unfriendly act.

As little as the Government of The United States would pretend to interfere in any analogous question that might possibly arise between the Government of His Most Faithful Majesty and any of the provinces of his kingdom, can The United States be disposed to view with satisfaction any such expression as that suggested on the part of his or any foreign Government. At the same time it is manifest that questions of the most embarrassing and even dangerous character are, at any moment, liable to occur, if unlawful and piratical privateers, with unlawful prizes, should make their appearance in the waters of Portugal or her colonies, and it is with a view to the amicable anticipation of such possible contingencies that the Undersigned has requested, and now repeats the request that the Government of His Most Faithful Majesty should simply carry out, to its natural and necessary consequence and application, the principle of the declaration of Paris above referred to, as having been fully acceded to by the enlightened Government of His Most Faithful Majesty.

The Undersigned begs to add the expression of his hopes that in advance of the issue of the proclamation, which, under these circumstances, he believes and expects will be issued at the earliest convenient day by His Most Faithful Majesty, the Undersigned may be favoured with an opportunity of seeing the proposed terms of the same, in order that, by means of frank interchange of views, there may be the more perfect certainty of such a friendly and reciprocally satisfactory harmony of views between the two Governments as shall correspond to the sentiments already fully expressed by the undersigned on behalf of the President of The United States, and most

satisfactorily and cordially responded to by His Most Faithful Majesty.

In conclusion, the Undersigned respectfully asks that this subject, in view of its importance and possible complications, may be brought to the early notice of His Most Faithful Majesty, so as to preclude the happening of events which might involve grave consequences, to which the interests and goodwill of both nations are alike opposed. He appreciates the reasons which have been assigned for the delay, since the subject was first presented by his immediate predecessor, in a note to his Excellency M. d'Avila, dated on the 2nd of July; but urgent considerations have recently arisen which require the Undersigned to submit this request on behalf of the Government of The United States.

The Undersigned, &c.,

JAMES E. HARVEY.

Mr. Harvey to Mr. Seward.

SIR,

Lisbon, July 30, 1861.

I RECEIVED a note from M. d'Avila, the Minister of Foreign Affairs, yesterday, requesting an interview with me at 4 o'clock. I called at the Foreign Office at the appointed hour, and he immediately presented the original draft, in Portuguese, of a proposed proclamation, of which I enclose a translated copy, marked No. 2. After hearing it read and reduced into English, I expressed my acceptance of its general scope and spirit, but expressly demurred to the declaration at the end of Article II, by which armed vessels are placed in the same category as privateers in regard to prizes. Although I knew it was of no practical importance to The United States under present circumstances, it was easy to foresee that in the event of war with England or France, and with their ability to blockade our ports, that prizes taken by American ships-of-war would be thus excluded from Portugal and her possessions. Hence my objection to that point. I told M. d'Avila that it went beyond the Treaty of Paris, upon which the proclamation was professedly predicated, and that it did what I had sought to avoid by introducing indirectly our domestic question. He said his object was to exclude the prizes of vessels-of-war of the so-called Confederate States, in case they should create a navy, and thus to guard against any future complication. To this suggestion I answered that, as we were not dealing with suppositious or hypothetical cases, it was necessary to adhere to the practical question, and, as we had stated, on the basis of the declaration of Paris in regard to privateering and his own preamble set out with that statement, the introduction of any extraneous matter would be not only irrelevant, but likely to defeat the object which both sides alike professed to have in view. He did not respond to this suggestion, but agreed to let me take the rough

draft, in order that I might submit whatever observations might occur to me as appropriate.

I prepared the accompanying note (marked No. 1) this morning, and sent it to M. d'Avila an hour ago.

There are two councils before which such questions are considered; first, the Council of Ministers or the Cabinet; and second, the Council of State, which is a larger body, and includes the Cabinet and other distinguished persons. I understood M. d'Avila to say that the draft of the proclamation had been laid before the former, and approved by them, and that my proposed amendment must, therefore, be presented at another meeting. I have reason to believe that my note of Saturday precipitated this action, which, in a country where diplomacy is proverbially slow, exhibits unusual promptitude.

I am, &c.,

JAMES E. HARVEY.

(Inclosure 1.)—*Mr. Harvey to M. d'Avila.*

July 30, 1861.

THE Undersigned presents his most respectful compliments to his Excellency M. d'Avila, and referring to the conversation he had the honour to have with his Excellency yesterday, and repeating his thanks for his Excellency's courtesy in showing him the draft of the proclamation contemplated by the Government of His Most Faithful Majesty, as a proper consequence and application of the principles adopted by Portugal by her adhesion to the declaration of Paris of April, 1856, he begs leave to submit the following observations to his Excellency's enlightened consideration.

The declaration of Paris abolished privateering. It would seem to follow as a necessary logical consequence to all powers acceding to the same, that under no circumstances (except those of force, *majeure*, and brief, indispensable hospitality, in view of the laws of humanity) ought their ports to be open to the admission of privateers or their prizes. So far, then, as regards privateers and their prizes, the Undersigned sees nothing but what he must approve in the draft of the proclamation referred to.

But the declaration of Paris did not go further, and change the established maritime law of the world in regard to the legality of the capture of prizes by the regular men-of-war of the naval forces whose fleets roam the ocean. Such prizes have always been deemed legitimate, and still remain so. It is no application of the principles of the declaration of Paris to exclude such regular and lawful prizes, made by the regular vessels of one nation, from the ports of a friendly nation. In this respect the words, "*on por embaracacoes annadas*," at the end of Article II, appear not only to go much beyond the principles of the declaration referred to, but even to be most un-

necessarily introduced into a proclamation avowedly designed for the mere execution and practical application of the principles of that declaration. To introduce them at this moment in such a proclamation would be deemed by the Government of The United States not only as a gratuitous deviation from the terms of the preamble to the same proclamation, but as a deviation prompted by a reason which would seem to involve an indirect, if not a direct, reference to the present rebellion of a small portion of The United States. It would be understood as placing on the same level the regular men-of-war of The United States and the privateers of the States now in rebellion, so far as regards the prizes made by them. It is only with reference to the principle involved, to the apparent inconsistency between the preamble and the sequence, and to the misconstruction to which it would be consequently liable, that the Undersigned indulges the hope and expectation that the few words above cited may be omitted from the proposed proclamation, and takes occasion to say that in that form it will be perfectly acceptable to the Government of The United States, and will add another to the many links of friendly relation and intercourse which already bind closely together the two countries.!

It is only proper for the Undersigned to notify his Excellency M. d'Avila that information has been communicated to the Government of The United States, which authorizes the belief that some of the remote islands and colonies of this Kingdom are proposed to be used by designing and reckless persons to engage in the nefarious enterprises referred to by the equipment of privateers, or the sale of prizes, if any should be taken. He knows perfectly well, in advance of any assurance, that such lawless undertakings would be sternly deprecated by the Government of His Most Faithful Majesty; but his Excellency cannot fail to discover in this fact an urgent reason why a proclamation of such sentiments, and in the unobjectionable form suggested, should be immediately made. It is with this view, and to provide against the contingency of future, and perhaps of impending, difficulty, that the Undersigned has brought the subject thus promptly to the notice of his Excellency, and with the most friendly spirit and purpose.

The Undersigned begs leave to return the rough draft of the Proclamation, and to repeat his assurances of respect, &c.

JAMES E. HARVEY.

(*Inclosure 2.*)

Palace of Necessidades, July 9, 1861.

(Translation of proposed Proclamation.)

It being convenient, under existing circumstances to carry out the execution of the principles contained in the declaration of Paris

of 16th April, 1856, made by the representatives of the signing Parties to the Treaty of Peace of the 30th March of the same year, to which my Government hath adhered, I am pleased hereby, having heard the Council of Ministers, to decree the following:

ART I. It is prohibited to Portuguese subjects and foreigners to equip in the ports and waters of this Kingdom, not only on the continent and adjacent islands, but also in the ultramarine provinces, vessels destined for privateering.

II. In the same points cited in the preceding Article, it is equally prohibited the entry of privateers and prizes made by them or by armed vessels.

§°. All cases of force (*majeure*), wherein, according to the rights of nations, hospitality becomes indispensable, are excepted from this clause without, however, allowing, under any form, that the sale of objects arising from prizes shall take place.

Let the Ministers and Secretaries of State of all the departments understand these presents, and cause the same to be executed.

Mr. Harvey to Mr. Seward.

SIR,

Lisbon, August 25, 1861.

I HAVE the honour to enclose herewith the copy of a note from the Foreign Office, covering the copy of a proclamation in regard to privateers and their prizes, in the form finally adopted by the Council of State. This decree was published in the official paper ("Diario de Lisboa") on the 23rd instant, a copy of which has already been transmitted to the department.

By referring to my despatch it will be seen that the preamble of the proclamation has been modified, so as to escape the logical inconsistencies which I then pointed out, in the hope of inducing the omission of certain phrases which would have rendered it more acceptable. I have the best reason to know that the Council of Ministers, or Cabinet, were not only well disposed to adopt my proposed amendment, but that they submitted the proclamation with the revision.

When this fact became known to me, I urged, with every influence and persuasion at my command, an immediate decision, so as to insure the promulgation before any interrupting cause or accident could intervene. But the King went away for a short time, and a Council of State, to which the proposed action of the Council of Ministers on important questions is presented for examination, could not be convened. In the meantime intelligence from The United States of an eventful character affected opinion here, and gave increased weight to the objections which had been urged by

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the British Minister and others against the form of proclamation which I have requested. A Council of State was summoned upon the return of the King, and the result of their deliberations is to be found in the documents enclosed in this despatch.

While I should have been greatly gratified had my amendment been accepted, I have the satisfaction to know that it did not fail from any want of zeal, energy, or effort on my part, and that the proclamation as it now stands is mainly predicated upon your policy, in execution of the principle of the Treaty of Paris, and is not open to the objections urged against those issued by England, France, or Spain.

I have, &c.

JAMES E. HARVEY.

(Inclosure.)—*M. d'Avila to Mr. Harvey.*

Department of State for Foreign Affairs,

(Translation.)

August 22, 1861.

THE Councillor of State, Antonio José d'Avila, presents his most attentive compliments to Mr. James E. Harvey, and has the honour to remit him the enclosed copy of the Decree of the 29th of July last, published according to the last form given thereto, after hearing the Council of State.

(Translation.)

Palace of Necessidades, July 29, 1861.

It being proper, in view of the circumstances at present existing in regard to the United States of America, to carry into effect the principles established in the declaration of Paris of April 16, 1856, made by the representatives of the Powers that signed the Treaty of Peace of the 30th of March of that year, to which declaration my Government acceded, and likewise, for the same reason, to adopt other measures which I deem opportune, I have been pleased, after hearing the Council of State, to decree as follows:

ART. I. In all the ports and waters of this kingdom, as well as on the continent and in the adjacent islands as in the ultramarine provinces, Portuguese subjects and foreigners are prohibited from fitting out vessels destined for privateering.

II. In the same ports and waters referred to in the preceding Article is, in like manner, prohibited the entrance of privateers and of the prizes made by privateers, or by armed vessels.

§ The cases of overruling necessity (*força maior*), in which, according to the law of nations, hospitality is indispensable, are excepted from this regulation, without permission, however, being allowed, in any manner, for the sale of any objects proceeding from prizes.

The Ministers and Secretaries of State in all the departments will thus understand, and cause it to be executed.

MARQUEZ DE LOULE.

KING.

ALBERTO ANTONIO DE MORAES CARVALHO.

VISCONDE DE SA DA BANDEIRA.

CARLOS BENTO DA SILVA.

THIAGO AUGUSTO VELLOSO DE HORTA.

ANTONIO JOSE D'AVILA.

UNITED STATES AND CHILE.

Mr. Bigler to Mr. Varas.

SIR,

Santiago de Chili, July 31, 1861.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, has the honour to inform your Excellency that, in consequence of the President of the so-called "Confederated States of America" having issued a proclamation announcing that he has been empowered and is prepared to issue letters of marque to all who are willing to enter the service of the said States as privateers, he, the Undersigned, has been instructed by his Government to be vigilant to the extent of his power to prevent vessels from being fitted out in the ports of Chili under the authority of the said "Confederated States." The Government of the Undersigned, denying the right of the States composing the so-called "Confederated States of America" to secede, as they have done, from the American Union, and maintaining that the people of the States which have so seceded still owe fealty to the Constitution and laws of The United States, has determined to enforce obedience thereto on the part of the whole people thereof, and has solemnly proclaimed and declared that any person who shall, "under the pretended authority of the Confederate States, or under any other pretence, molest a vessel of The United States, or the persons or cargo on board of her, such person will be held amenable to the laws of The United States for the prevention and punishment of piracy."

Information has recently been communicated to the Undersigned of such a character and from such sources as to induce the belief on his part that there are now, or have very recently been, in Chili, parties endeavouring to effect a purchase of munitions of war to be used in fitting out privateers for the service of the so-called "Confederated States of America."

Although the Undersigned cannot vouch for the correctness of this information, he can assure your Excellency that he regards the same of sufficient importance, in view of the before-mentioned instructions of his Government, to require him to inform your Excellency thereof, and to suggest to your Excel-

lency's Government to adopt such measures as it may deem advisable to secure vigilance on the part of the proper officials to prevent the fitting out of privateers in the ports of Chili with a view of committing assaults upon the lives and property of citizens of his country engaged in lawful commerce.

In conclusion, the Undersigned begs to add that he has directed inquiries to be made at the different ports in Chili, and that he will promptly impart to your Excellency's Government any important facts relating to the object of this note which may hereafter come to his knowledge.

The Undersigned, &c.

JOHN BIGLER.

Mr. Varas to Mr. Bigler.

SIR, (Translation.) *Santiago, August 7, 1861.*

I HAVE had the honour of reading the note dated the 31st ultimo, which your Excellency was pleased to address me. In it your Excellency informs me that you have received instructions from your Government to endeavour to impede, as far as your powers will permit, that in the ports of Chili privateers be armed for the service of the States which have recently declined to recognize the authority of the Government of the Union, and have constituted themselves under a *de facto* Government, with the title of "Confederated States of America"—instructions given to your Excellency in consequence of a recent proclamation of the President of these States, wherein he announces that he is empowered and prepared to issue letters of marque.

At the same time your Excellency informs me that you have recently received information inducing you to believe that there are at present, or recently have been, in Chili, persons endeavouring to purchase munitions of war, in order to employ the same in arming privateers for the service of the said Confederated States of America; and in view of this information your Excellency signifies to me a desire that my Government adopt such measures as it may deem expedient, in order to prevent the fitting out of such privateers in the ports of the Republic.

I must assure your Excellency, in reply, that my Government, complying with the duties which it owes to a friendly State, is disposed to prevent preparations of warlike character, or any other operations hostile to The United States, from being effected in any port whatever of the territory of the Republic; and that consequently the necessary orders will be given to the respective authorities to keep especial watch in this particular. However, as far as regards privateering expeditions which may prepare or arm themselves on the coasts of Chili, it might happen in many cases

that the zeal and vigilance of the authorities might prove inefficacious to discover them; so that it is to be desired that whatever news your Excellency might obtain on the subject, you would have the kindness to transmit the same to me, in order that I might, in view thereof, issue the most opportune instructions to frustrate the carrying out of such expeditions.

Accept, &c.

ANTONIO VARAS.

UNITED STATES AND HAWAIIAN ISLANDS.

Mr. Dryer to Mr. Wyllie.

SIR,

Honolulu, July 24, 1861.

I HAVE the honour to inclose herewith copies of two despatches from the Hon. William H. Seward, Secretary of State of the United States, and of two proclamations (April 19 and April 27, 1861) issued by his Excellency Abraham Lincoln, President of The United States, announcing the blockade of the ports of several of the Southern States, and making known that all persons acting under the pretended authority of the aforesaid Southern States, or under any pretence whatever, who shall molest vessels of The United States or their cargoes, shall be considered and dealt with as pirates.

You will observe, by a perusal of the copy of Mr. Seward's despatch to me of the 20th April, 1861, that I am instructed to be vigilant in preventing aggressions upon American commerce by vessels or persons acting under the pretended authority mentioned.

To this end I would respectfully call your attention to the fact that the American clipper ship *Bald Eagle*, bound from San Francisco to China, with a large amount of treasure on board, having been chased, on her passage to this group, by a suspicious vessel, and to officially inquire of you what course His Hawaiian Majesty's Government intends to pursue with regard to vessels of this description found frequenting the King's waters, or touching for supplies or repairs at any of the ports in His Majesty's dominions.

I have, &c.

Mr. Wyllie.

THOMAS J. DRYER.

Mr. Wyllie to Mr. Dryer.

SIR,

City of Honolulu, July 27, 1861.

I HAVE the honour to acknowledge the receipt of your despatch of the 24th instant, with its four enclosures, which you did me the great favour of delivering personally, along with verbal explanations, for which I beg to thank you in the name of the King's Government.

By your despatch and its enclosures I am informed that the

Honourable Secretary of State, William H. Seward, apprehensive lest, "under the pretended authority of the so-called Confederate States of America," privateers might be fitted out in the ports of this Kingdom for the purpose of aggression on the commerce of The United States, instructed you, on the 20th of April last, to be vigilant in preventing any such unlawful purpose; to make known to the proper authorities of this Government the proclamations issued by the President; impart to them all facts upon the subject which might come to your knowledge; and to ascertain from the King's Government, officially, what course they intended to pursue with regard to vessels of that description frequenting the King's waters, or touching for supplies or repairs at any of the ports in His Majesty's dominions; all which instructions you carried out very fully, and with great courtesy, in your precited despatch, and in the facts, no less important to The United States than to this Kingdom, which you were pleased to impart to me verbally on the occasion of its delivery.

In reply, I have the honour to refer you to the proclamation of the late King, of 16th May, 1854, asserting his neutral rights within the whole extent of his jurisdiction, declaring all captures and seizures made within that jurisdiction to be unlawful, and prohibiting his subjects from engaging, either directly or indirectly, in privateering, under the penalty of being treated and punished as pirates; to the resolution of his late Majesty, in Privy Council of 15th June, 1854, prohibiting the sale of prizes within his jurisdiction, and to the resolution of his late Majesty, in Privy Council of the 17th July of the same year, prohibiting all privateers, and prizes made by them, from entering the ports of this kingdom, unless in such circumstances of distress that their exclusion would involve a sacrifice of life, and then only under special permission of the King, after proof to His Majesty's satisfaction of such circumstances of distress; copies of all which you will find in your archives, for they were duly passed at the time to the Honourable David L. Gregg for his own and the information of his Government.

I have the honour to enclose a copy of the reply to the honourable judges of the Supreme Court, dated yesterday, in reply to my letters to them of the 5th, 10th, 13th, and 24th instant, from which you will see that, in their opinion, the said proclamation and resolutions are in accordance with the rights of the King, and with His Majesty's duties, as a neutral Sovereign, to The United States; and that under the same neither can privateers be fitted in the ports of this kingdom, nor can its ports be used as a depôt for the spoils, or the prisoners made by the privateers.

Therefore it only remains for me to make known to the King, who is at Kailua, your despatch and its enclosures, also the opinion

of His Majesty's judges of the Supreme Court, and to suggest to His Majesty that he be pleased to issue a proclamation revalidating the aforesaid proclamation and resolutions, with an order that copies of such proclamation be published in the "Polynesian," and served immediately by the pilots or harbour-master upon any belligerent vessel that may appear in His Majesty's waters, until the conclusion of the civil war now unhappily devastating The United States.

You can assure the Honourable Secretary of State of your Government that the King, knowing well his obligations and responsibilities to The United States under the law of nations and the existing Treaty, will neglect no means to fulfil them to the utmost extent of his power; but destitute as you know him to be of either army, navy, or forts, that power is only moral, and if armed vessels should enter his waters, disregarding alike his neutral rights and the law of nations, captures might be made within his jurisdiction contrary to his proclamation, and in spite of all the efforts that he could make to prevent them.

Therefore I repeat what I had the honour to state to you verbally, that in a port where many millions of value in American whale-ships, oil and bone, and in merchant vessels, are often to be found, and which might be captured or burnt by one strong privateer in defiance of all the King's forces, it is of urgent necessity that Honolulu should not be left without the presence of a vessel of war of The United States of sufficient power to deter any such privateer from committing aggressions on the ships or property of the citizens of The United States within the King's jurisdiction. I was happy to understand from you that you had not neglected to make such a recommendation to your Government.

In conclusion, let me assure you that in this and every other international matter it will afford me the utmost pleasure to confer and concert with you with all that frankness and confidence that, according to Martens and other publicists, ought to exist between a foreign Representative and the Minister of Foreign Affairs of the country to which he is accredited and sent; but more especially be assured of the high consideration, &c.

Hon. T. J. Dryer.

R. C. WYLLIE.

(Inclosure.)—Messrs. Allen and Robertson to Mr. Wyllie.

SIR,

Honolulu, July 26, 1861.

I HAVE the honour to receive your communications of the 1st, 10th, 13th, and 25th instant, and their enclosures. The justices of the Supreme Court have examined the proclamation issued by Her Britannic Majesty the Queen, and also the proclamation issued by the President of The United States, issued in consequence of hostilities having arisen between the Government of The United States

and certain States styling themselves the Confederate States of America, together with the communication of the Secretary of State, Mr. Seward, and the Commissioner of The United States at this Court accompanying them.

Mr. Seward is apprehensive that efforts may be made to fit out privateers in our ports for the purpose of aggression on American commerce. To permit it would unquestionably be a breach of neutrality and in derogation of our duty; neither can our ports be used as a dépôt for the spoils or the prisoners of privateers.

We have also examined the proclamation issued in 1854 by His Majesty the King, proclaiming neutrality in the war then pending between the great maritime Powers of Europe, and the resolutions of the Privy Council which accompanied it, and we are of opinion that similar declarations at this time will be in accordance with our rights and duties as neutrals.

I beg to return to you the enclosures which accompanied your communications.

I have, &c.

ELISHA H. ALLEN.

H.E. B. C. Wyllie.

G. M. ROBERTSON.

PROCLAMATION of the King of the Hawaiian Islands, declaring the Neutrality of the Hawaiian Islands in the War between The United States and the so-called Confederate States.—Kialua, August 26, 1861.

BE it known to all whom it may concern, that we, Kamehameha IV., King of the Hawaiian Islands, having been officially notified that hostilities are now unhappily pending between the Government of The United States and certain States thereof, styling themselves "The Confederate States of America," hereby proclaim our neutrality between said contending parties.

That our neutrality is to be respected to the full extent of our jurisdiction, and that all captures and seizures made within the same are unlawful, and in violation of our rights as a sovereign.

And be it further known that we hereby strictly prohibit all our subjects, and all who reside or may be within our jurisdiction, from engaging either directly or indirectly, in privateering against the shipping or commerce of either of the contending parties, or of rendering any aid to such enterprises whatever; and all persons so offending will be liable to the penalties imposed by the laws of nations, as well as by the laws of said States, and they will in no wise obtain any protection from us as against any penal consequences which they may incur.

Be it further known that no adjudication of prizes will be enter-

tained within our jurisdiction, nor will the sale of goods or other property belonging to prizes be allowed.

Be it further known that the rights of asylum are not extended to the privateers or their prizes of either of the contending parties, excepting only in cases of distress or of compulsory delay by stress of weather or dangers of the sea, or in such cases as may be regulated by Treaty stipulation.

Given at our marine residence of Kialua, this 26th day of August, A.D. 1861, and the 7th of our reign.

KAMEHAMEHA.

By the King: KAAHUMANU.

By the King and Kuhina Nui: B. C. WYLLIE.

CORRESPONDENCE between The United States and the Netherlands respecting the Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports.—Case of the Sumter.—1861.

Mr. Pike to Mr. Seward.

(Extract.)

The Hague, August 28, 1861.

THE mails of to-day bring intelligence from America that the privateer steamer *Sumter*, bearing the so-called Confederate flag, has been permitted by the authorities at Curaçoa to enter and replenish her exhausted stock of fuel and supplies with which to renew her career of depredation upon the commerce of The United States.

I have instantly called the attention of this Government to these reports, and have assured the Minister of Foreign Affairs that, if they shall be borne out by the facts of the case, in view of the recent prompt and friendly action of the Dutch Government in relation to privateering, they will be regarded by the Government and people of The United States with equal regret and surprise.

I think it will prove that the orders of the Dutch Government to their colonial authorities to exclude privateers from their ports, which were issued about the middle of June, and of which I apprised you on the 16th of that month in my despatch, have by some means failed to reach Curaçoa. The ships which were sent out were expected to rendezvous at Curaçoa and winter in those seas. But they may be delaying their visit to avoid the heats of summer. I hope to be able to afford you more detailed information by the next mail, which want of time prevents me from obtaining now in season for this.

I thought of suggesting the publication in our newspapers of the Dutch proclamations, copies of which I forwarded to you with the

despatch referred to, but I concluded the department did not need my suggestions on that head.

JAMES S. PIKE.

Mr. Pike to Mr. Seward.

SIR,

The Hague, September 4, 1861.

SINCE writing to you on the 28th ultimo in regard to my action on the strength of the public reports in respect to the steamer *Sumter*, I have received your despatch, under date of the 15th of August, and also its duplicate.

I immediately addressed a communication to this Government presenting the substance of that despatch. I have since had two interviews with Baron Van Zuylen, the Minister of Foreign Affairs, on the questions involved and likely to be involved in the case. Mr. Van Zuylen has informed me that his Government has received a brief communication from the Governor of Curaçoa, stating that the vessel in question put into the port of Curaçoa in distress, and was not a privateer.

In the course of our first interview Baron Van Zuylen dropped the remark that it was probable the vessel was regarded as a ship-of-war of the so-called Confederate States, but he subsequently seemed to desire to withdraw the suggestion.

I felt it to be my duty to protest against the idea that aid and countenance could be afforded by a friendly power to the *Sumter*, though she did assume the character of a ship-of-war of the insurgents. I claimed that were she afforded shelter and supplies on this ground by the authorities at Curaçoa, and should the Dutch Government approve the act, it would be, substantially, a recognition of the Southern Confederacy, and that in my judgment such an act would be regarded by The United States as an unfriendly, and even hostile act, which might lead to the gravest consequences. I held that nothing more need be asked by the so-styled Confederate States, as a practical measure of recognition, than that a ship like the *Sumter*, claiming to be a national vessel of those States, should be permitted to enter the neighbouring ports of foreign nations, and there obtain the necessary means to enable her to depredate upon the commerce of The United States. That such a course on the part of any Power, aggravated by the fact that she was unable to obtain such supplies at home, so far from being neutral conduct was really to afford the most efficient aid to the men who were in rebellion against their own Government, and plundering and destroying the vessels and property of their fellow-citizens on the high seas. I protested against such a doctrine as tending necessarily to the termination of all friendly relations between our Government and any Government that would tolerate such practices, whether

that Government were France or England, or Spain or Holland. I remarked that it was not for me to judge of the purposes of European powers in regard to the existing state of things in The United States; but if there were to be exhibited a disposition anywhere to take advantage of our present situation, I believed it would be found that such a course could not be taken with impunity now, nor without leading to alienation and bitterness in the future.

Baron Van Zuylen hereupon explained that the earnest desire of his Government was to maintain friendly relations with The United States, and to do nothing to interrupt the existing harmony between the two countries. That the point in question had not been considered by his Government, and that the whole case should receive careful attention so soon as the facts relating to it could be ascertained. He has since sent me a note on the subject, which I inclose.

The Baron stated to me that the Governor of Curaçoa, had received the instructions of the Dutch Government, and the Baron was of the opinion that the Governor had paid too much attention to the letter, overlooking the spirit of the instructions, which remark I took to mean, that as the Governor's instructions only ordered the exclusion of privateers and vessels not in distress, and that as the *Sumter* claimed to be a vessel of war, and to be in distress, the Governor had sought to shield his action under this shallow and transparent device of the privateer, which could certainly deceive nobody who was not willing to be deceived.

I presume there is no danger of the Dutch Government taking any position on this question in haste, as that is not their way. It is quite probable they will take time to send to Curaçoa for facts and particulars. Meantime the British Government seem likely to have to act on the same question, as I see the *Sumter* has been at Trinidad, which will afford them a precedent, for which I am the more sorry, as I learned enough while I was in England to satisfy me that that Government was likely to indulge in loose practices in regard to vessels sailing under the Confederate flag.

But there is nothing in the circumstances or dispositions of this Government, in my opinion, to induce them to exhibit unfriendliness to us or grant favours to the Confederates whatever there may be on the part of some of their slaveholding governors, of whom I infer him of Curaçoa to be one. I expect, therefore, to find the authorities here pursue a course void of offence towards The United States, however others may act. I shall make it my endeavour to induce the Minister of Foreign Affairs to have sent out at once such instructions to the West Indies as will prevent the *Sumter*, or her confederates, from making use of the Dutch ports in future, whatever their pretensions.

Since penning the foregoing, and at the last moment before being compelled to close for the mail, I have had a third interview with Baron Van Zuylen. He states that the instructions sent out in June were framed purposely different from those of France, and excluded all reference to vessels of war, solely because that course was deemed more favourable to The United States' Government which had ships-of-war and no privateers. You will remember that I called attention to this peculiarity at the time.

In answer to my inquiry whether he would not immediately adapt his instructions to cover such cases as that of the *Sumter*, information of which I was desirous to transmit by the next steamer, he replied that the subject was now under consideration in the Colonial department. He insisted, however, that the Governor of Curaçoa declared the vessel was admitted on the ground of her being in distress, she having carried away one of her masts, and that before admitting her he convoked his Council, who recommended the course he pursued.

I renewedly represented to Baron Van Zuylen the very grave character of this question and its vital importance to the commerce of The United States.

Since the Government here must by this time fully understand that our Government is very much in earnest on this subject, I entertain the hope that they will hurry their deliberations to a favourable conclusion.

Allusion having been made on my part to the possible influence of slaveholding sympathies in this case, I was pleased to be informed by Baron Van Zuylen that the question of slavery had been finally determined in Holland, and that emancipation is to take place in all the Dutch colonies within two years.

I have, &c.

JAMES S. PIKE.

Baron Van Zuylen to Mr. Pike.

SIR, (Translation.) *The Hague, September 2, 1861.*

I HAVE the honour to acknowledge the receipt of your communications of the 28th of August and of 2nd of September.

I hastened to communicate these notes to the Minister of the Colonies, and I hope to be enabled at an early day, and so soon as the reports of the Governor of Curaçoa respecting the affair of the steamer *Sumter* shall be known to me, to give you a reply upon this subject.

Be pleased, &c.

DE ZUYLEN DE NIJEVELT.

Mr. Pike to Mr. Seward.

(Extract.)

The Hague, September 18, 1861.

THE Minister of Foreign Affairs has not yet furnished me with the promised communication on the *Sumter* case.

On the 12th instant, I addressed him the following note :

"Sir,—Referring to my recent communications to you on the case of the *Sumter*, I beg to say, in order to avoid all possibility of cavil or misapprehension, that, in speaking of or alluding to the marauding vessels of the persons in rebellion against The United States Government as 'privateers,' I refer to them as such only in the sense of their own pretensions; The United States Government, as you are well aware, regarding them solely as piratical craft, and the persons engaged thereon as pirates.

"I have, &c.

"JAMES S. PIKE."

Mr. Pike to Mr. Seward.

(Extracts.)

The Hague, September 25, 1861.

I HAVE the honour to enclose the communication from the Dutch Government in reference to the *Sumter* case. Though dated the 17th, it did not make its appearance to me till the 20th.

You will perceive that the ground taken in regard to the harbouring of the *Sumter* in the port of Curaçoa is, that it was the case of a vessel in distress.

This paper, however, goes beyond the case in hand, and argues the claim of the seceding States to be considered belligerents, and their rights as such, besides going over the whole ground of the rights of neutrals.

Baron Van Zuylen makes out to his own satisfaction that the secessionists hold that position, and that this carries with it the right of hospitality, in neutral ports, to their ships-of-war.

To my suggestion in my note of the 9th, that the *Sumter* was in no just sense a ship-of-war, but a privateer, as our Government claims, a pirate, and that the want of the ordinary characteristics of a ship-of-war, besides the fact that she bore a strange flag of no recognized nationality, entitled us to ask of Holland, as a friendly nation, to assume her unlawful character. Mr. Van Zuylen opposes an argument to show that the *Sumter* was really a ship-of-war of the Confederate States, and that an impartial neutrality demanded that she be so treated. He finds his support of his position that this was the *Sumter's* real character in the declarations of her captain and in the allegation of "Harper's Weekly."

The Minister of Foreign Affairs seems to admit the force of the argument I had previously urged, that it was inconsistent with all ideas of a just neutrality that these marauding vessels of the seces-

sionists could be allowed to make free use of the neighbouring ports of a Power holding friendly relations with The United States, for hostile purposes, and this, too, while deprived of all shelter or resource at home. And, in reply to my earnest request that he would cause to be issued to the Dutch colonial authorities in the West Indies orders against such use of their ports, Baron Van Zuylen de Nijvelt declares, under cover of his general principles, that orders shall be issued in the sense of forbidding the use of the Dutch ports as the base of operations against United States' commerce, or, as he phrases it, by either of the belligerents.

In regard to this part of Mr. Van Zuylen's communication, I will here observe that much will depend upon the character of these instructions, and not less upon the spirit in which they are executed. It is in the power of the Dutch Government, and of its colonial authorities, to so act, upon the basis of the rule laid down on this head, as to avoid further cause of complaint on the part of The United States, and to effectually prevent these sea-robbers from making use of the Dutch ports as a means of pursuing their ravages; and I have so expressed myself to Baron Van Zuylen in the note of which I have the honour to annex a copy. I will add that I have confidence that such orders will be given.

JAMES S. PIKE.

(Inclosure 1.)—*Mr. Pike to Baron Zuylen.*

SIR,

The Hague, September 23, 1861.

I HAVE had the honour to receive your communication of the 17th instant, which will, in due time, receive that attention its importance merits.

Meantime, I desire to observe that, as must have been obvious to you, I have hitherto contented myself with advancing general considerations appealing to the friendly dispositions of Holland, rather than in invoking the application of the strict rules of public law to the case under review.

The Dutch Government exercises its undoubted right in overlooking such considerations, and in assuming the championship of a so-called neutrality, which insists upon treating a domestic disturbance as a war between equals.

For those who so desire, as I am sure Holland does not, it is easy to be persuaded of an incipient nationality in an insurrection, and to see a ship-of-war in every pirate that insults mankind with her depredations or shocks it with her crimes.

I have great satisfaction in learning from his communication that Baron Van Zuylen recognizes the force of the considerations I have had the honour to present to him touching the evident violation of a just neutrality which is involved in the free use of the

ports of the Netherlands by the cruizers of persons engaged in piratical depredations upon the commerce and shipping of The United States, and also in learning that the Government of His Majesty has determined that it will not permit its ports to be made the base of operations against that commerce, and that instructions in this sense will be addressed to the Governors of the Netherlands colonial possessions.

It is in the power of the Dutch Government, acting upon the rule it has thus laid down, to issue such instructions to its colonial authorities as shall prevent further cause of complaint on the part of The United States, if those instructions shall be executed in good faith.

The United States' Government will rely upon the action of Holland in this respect, and will still confidently look for such a course on the part of the Dutch Government as will aid it in driving the instigators of rebellion and plunderers of property upon the high seas from the haunts they infest, and in bringing them to condign punishment.

I have, &c.

Baron Van Zuylen.

JAMES S. PIKE.

(Inclosure 2.)—Mr. Pike to Baron Zuylen.

SIR,

The Hague, September 25, 1861.

I SHALL to-day forward your communication of the 17th instant to my Government. I do it with reluctance, since its basis is found, as I have already remarked to you, in the assumption of the Government of the Netherlands that the domestic disturbance in The United States is a war between equals.

It cannot be supposed that The United States will consent to debate the question of an abridgment of their sovereignty with Holland or any other nation.

The United States are one whole undivided nation, especially so far as foreign nations are concerned, and Holland is, by the law of nations and by Treaties, not a neutral power between two imaginary parties there, but a friend of The United States. There is in The United States, as there has always been since the establishment of the Government, one political power, namely, the United States of America, competent to make war and peace, and conduct alliances and commerce with foreign nations. There is none other, either in fact, or recognized by foreign nations. There is, indeed, an armed sedition seeking to overthrow the Government, and the Government is employing military and naval force to suppress it. But these facts do not constitute a war presenting two belligerent powers, and modifying the national character, rights, and responsibilities or the character, rights, and responsibilities, of foreign nations.

That Holland should take a different view of the case will, I am sure, be a subject of very deep regret to The United States.

The Undersigned, &c.

Baron Van Zuylen.

JAMES S. PIKE.

Baron Van Zuylen to Mr. Pike.

SIR, (Translation.) *The Hague, September 17, 1861.*

THE department of the Colonies has just communicated to me the information, transmitted by the Governor of Curaçoa, concerning the affair of the ship *Sumter*, and I hasten to bring to your notice the following observations by way of sequence to the preliminary reply which I had the honour to address to you on the 2nd of this month. According to the principles of the law of nations, all nations, without exception, may admit vessels of war belonging to a belligerent State to their ports, and accord to them all the favours which constitute an asylum. Conditions are imposed on said vessels during their stay in the port or roadstead. For example, they must keep perfect peace with all vessels that may be there; they may not augment their crews, nor the number of their guns, nor be on the look out in the ports or roadsteads for the purpose of watching after hostile vessels arriving or departing, &c. Besides, every state has the right to interdict foreign vessels of war from entrance to ports which are purely military. Thus it was that Sweden and Denmark, in 1854, at the time of the Crimean war, reserved the right to exclude vessels of war from such or such ports of their dominions.

The neutral power has also the right to act like France, who, by her declaration of neutrality in the war between The United States and the Confederate States, under date of 9th June last ("Moniteur" of 11th June), does not permit any vessel of war, or privateer, of one or the other of the belligerents, to enter and remain with their prizes in French ports longer than 24 hours, unless in case of refuge under stress.

In the proclamation of the month of June last, which was communicated to you with my despatch of the 13th, the Government of the Netherlands has not excluded vessels of war from her ports.

As to privateers, the greatest number of the maritime nations allows them the privilege of asylum upon the same conditions nearly as to vessels of war.

According to a highly-esteemed author on the law of nations ("Hautefeuille, Droits et Devoirs des Nations Neutres," i p. 189), privateers may claim entrance into the ports of nations which have consented to accord asylum to them, not only in cases of pressing dangers, but even in cases in which they may deem it advantageous,

or even only agreeable, and for obtaining rest or articles of secondary necessity, such as the refreshments they may have need of.

The terms of the proclamation of the Netherlands' Government, which admits privateers from Netherlands' ports only in cases of distress, harmonize with this doctrine.

Moreover, according to the information, received from the Governor of Curaçoa, the *Sumter* was actually in distress, and that functionary would not, therefore, refuse to allow the said vessel to enter the port.

Strong in its amicable intentions, the King's Government does not believe itself bound to confine itself to the defence of the conduct of one of its agents in the particular case under discussion. It is not ignorant that it can or may hereafter be a contested question in such cases as to the reality of the distress in which such vessel or other would be, and that thus the subject of the admission generally of the Confederate States' vessels would rest untouched. I therefore, Sir, think it opportune to look into the question to determine whether the *Sumter* should have been admitted at Curaçoa outside of the condition of well-assured distress.

It is evident that the reply to be made is dependent on another question—that is to say, was this vessel a man-of-war or a privateer?

In the latter case, the Netherlands' Government could not, except in case of a putting in compelled by distress (*relâche forcée*), admit the *Sumter* into the ports of its territories.

It is not sufficient to dispose of the difficulty by the declaration that the *Sumter* is, as is stated in your despatches, "a vessel fitted out for, and actually engaged in, piratical expeditions," or "a privateer steamer." Such an assertion should be clearly proved, in accordance with the rule of law, "*affirmanti incumbit probatio*."

After having poised, with all the attention which comports with the weightiness of the matter, the facts and circumstances which characterise the dissensions which now are laying desolate The United States, and of which no Government more desires the prompt termination than does that of the Netherlands, I think I may express the conviction that the *Sumter* is not a privateer, but a man-of-war—grounding myself on the following considerations:

In the first place, the declaration of the commander of the vessel given in writing to the Governor of Curaçoa, who had made known that he would not allow a privateer to come into the port, and had then demanded explanations as to the character of the vessel. This declaration purported "the *Sumter* is a ship-of-war duly commissioned by the Government of the Confederate States."

The Netherlands' Governor had to be contented with the word of the commander couched in writing. Mr. Ortolan (Diplomatie [1860-61. LI].

de la Mer, I, p. 217,) in speaking of the evidence of nationality of vessels of war, thus expresses himself:

"The flag and the pennant are visible indications, but we are not bound to give faith to them until they are sustained by a cannon-shot."

The attestation of the commander may be exigible, but other proofs must be presumed; and, whether on the high seas or elsewhere, no foreign Power has the right to obtain the exhibition of them.

Therefore the Colonial Council has unanimously concluded that the word of the commanding officer was sufficient.

In the second place, the vessel armed for war by private persons is called "privateer." The character of such vessel is settled precisely, and, like her English name (privateer), indicates sufficiently under this circumstance that she is a private armed vessel—name which Mr. Wheaton gives them.—(Elements of International Law, II, p. 19.)

Privateering is the maritime warfare which privateers are authorized to make, for their own account, against merchant-vessels of the enemy by virtue of letters of marque which are issued to them by the State.

The *Sumter* is not a private vessel: is not the private property of unconnected individuals—of private shipowners. She, therefore, cannot, be a "privateer;" she can only be a ship-of-war or ship of the State armed for cruising. Thus the *Sumter* is designated, in the extract annexed from "Harper's Weekly," under the name of "rebel ship-of-war."

Thirdly. It cannot be held, as you propose in your despatch of the 9th of this month, that all vessels carrying the Confederate flag are, without distinction, to be considered as privateers, because the principles of the law of nations, as well as the examples of history, require that the rights of war be accorded to those States.

The Government of The United States holds that it should consider the States of the south as rebels.

It does not pertain to the King's Government to pronounce upon the subject of a question which is entirely within the domain of the internal regulation of The United States; neither has it to inquire whether, in virtue of the Constitution which rules that Republic, the States of the South can separate from the Central Government, and whether they ought then, aye or no, to be reputed as rebels during the first period of the difficulties.

But I deem it my duty to observe to you, Sir, that, according to the doctrines of the best publicists, such as Vattel, III, c. 18, § 292, and M. de Bayneval, "Droit de la Nation et des Gens, I, p. 161, there is a notable difference between rebellion and civil war.

"When," says Vattel, "a party is formed in the State which no longer obeys its sovereign, and is strong enough to make head against him, or in a Republic, when the nation divides into two opposing parties, and on one side and the other take up arms, then it is civil war." It is, therefore, the latter which now agitates the great American Republic.

But, in this case, the rights of war must be accorded to the two parties.

Let me be allowed to cite here only two passages: the one from Vattel (II, c. 4, § 56), which reads: "Whenever affairs reach to civil war the ties of political association are broken, or at least suspended, between the sovereign and his people. They may be considered as two distinct Powers; and, since one and the other are independent of any foreign authority, no one has the right to judge between them. Each of them may be right. It follows, then, that the two parties may act as having equal right." The other passage is taken from the work of a former Minister, himself belonging to The United States, Mr. Wheaton, who, in his "Elements of International Law," c. I, p. 35 (Am. ed. part I, page 32) thus expresses himself: "If the foreign State would observe absolute neutrality in the face of dissensions which disturb another State, it must accord to both belligerent parties all the rights which war accords to public enemies, such as the right of blockade, and the right of intercepting merchandize contraband of war."

As for historic evidence, it will suffice to call to mind from ancient times the struggle of the United Provinces with Spain, and from modern date the war between the Hispano-American colonies and the mother country since 1810, the war of independence of Greece from Turkey since 1821, &c.

It will doubtless be useless to recollect, on this occasion, that the principle to see only insurgents in the States of the south, having neither sovereignty nor rights of war, nor of peace, was put forward by England, at the breaking out of the War of Independence of the Anglo-American colonies, in the vindictory memoir published by the British Court in 1778, in answer to the exposition of the motives for the conduct of France, which had lately signed, on the 6th day of February of that year, a Treaty with The United States, in which they were regarded as an independent nation.

But the Court of Versailles set out from other principles, which she developed in "Observations on the Vindictory Memoir of the Court of London," saying, among other things: "It is sufficient to the justification of His Majesty that the colonies had established their independence not merely by a solemn declaration, but also in fact, and had maintained it against the efforts of the mother country."

Existing circumstances seem to present the same characteristics; and if it is desired to treat the States of the south as rebels, and accuse them of felony, there might here be cited as applicable to the actual conduct of The United States towards the Confederates the following remark of the Court of Versailles: "In advancing this proposition (that the possession of independence, of which the French Cabinet said the Americans were in the enjoyment in 1778, was a veritable felony), the English Minister had, without doubt, forgotten the course he had himself taken towards the Americans from the publication of the Declaration of Independence. It is remembered that the creatures of the Court constantly called upon the rebellion vengeance and destruction. However, notwithstanding all their clamours, the English Minister abstained, after the Declaration of Independence, from prosecuting the Americans as rebels; he observed, and still observes towards them the rules of war usual among independent nations. American prisoners have been exchanged through cartels," &c.

The rights of war cannot, then, in the opinion of the King's Government, be refused to the Confederate States; but I hasten to add that the recognition of these rights do not import in favour of such States recognition of their sovereignty.

"Foreign nations," says Mr. Martens ("Précis du Droit des Gens," 1, VIII, c. 3, § 264), "cannot refuse to consider as lawful enemies those who are empowered by their actual Government, whatever that may be. This is not recognition of its legitimacy."

This last recognition can only spring from express and official declaration, which no one of the Cabinets of Europe has thus far made.

Finally, and in the last place, I permit myself here to cite the example of the American privateer *Paul Jones*.

This vessel, considered as a pirate by England, had captured two of His Britannic Majesty's ships in October, 1779. She took them into the Texel, and remained there more than two months, notwithstanding the representations of Mr. York, Ambassador of Great Britain at the Hague, who considered the asylum accorded to such privateer (pirate as he called it in his memoir to the States-General of 21st March, 1780), as directly contrary to Treaties, and even to the ordinances of the Government of the Republic.

Mr. York demanded that the English vessels should be released. The States-General refused the restitution of the prizes.

The United States, whose belligerent rights were not recognized by England, enjoyed at that period the same treatment in the ports of the Republic of the United Provinces as the Netherlands authorities have now accorded to the Confederate States.

If the Cabinet of the Hague cannot, therefore, by force of the

preceding, class all the vessels of the Confederate States armed for war in the category of privateers, much less can it treat them as pirates (as you call them in your despatch of the 12th of this month), or consider the *Sumter* as engaged in a filibustering expedition "engaged in a piratical expedition against the commerce of The United States," as it reads in your communication of the 2nd of September.

Here again historic antecedents militate in favour of the opinion of the Netherlands' Government.

Is there need, in fact, to remind you that at the outset of the war of American Independence, in 1778, the English refused to recognize American privateers as lawful enemies, under the pretence that the letters of marque which they bore did not emanate from the Sovereign, but from revolted subjects?

But Great Britain soon had to desist from this pretension, and to accord international treatment to the colonists in arms against the mother country.

The frankness with which the King's Government has expressed its convictions in relation to the course to be taken towards the States of the south will, without doubt, be estimated at its just value by the Government of The United States.

It will perceive therein the well-settled intention to preserve in safety the rights of neutrality; to lay down for itself and to follow a line of conduct equally distant from feebleness as from too great adventurousness, but suitable for maintaining intact the dignity of the State.

The Government of the Netherlands desires to observe, on the occasion of existing affairs in America, a perfect and absolute neutrality, and to abstain therefore from the slightest act of partiality.

According to Hubner ("Saisie de Bâtiments Neutres"), "neutrality consists in absolute inaction relative to war, and in exact and perfect impartiality manifested by facts in regard to the belligerents, as far as this impartiality has relation to the war, and to the direct and immediate measures for its prosecution."

"Neutrality," says Azuni ("Droits Maritimes,") "is the continuation in a state of peace of a Power which, when war is kindled between two or more nations, absolutely abstains from taking any part in the contest."

But if the proposition be admitted that all the vessels of the Confederate States armed for war should be considered *prima facie* as privateers, would there not be a flagrant inequality between the treatment and the favours accorded to vessels of war of The United States and the vessels of the Confederate States, which have not for the moment a navy properly so called?

This evidently would be giving proof of partiality incompatible with real duties of neutrality. The only question is to determine with exactitude the distinctive characteristics between a privateer and a ship-of-war, although this may be difficult of execution. Thus is ignored that which Count Reventlow, Envoy of the King of Denmark at Madrid, drew attention to in 1782, that there exists among the maritime Powers regulations or Conventions between sovereigns, which oblige them to equip their vessels in a certain manner, that they may be held veritably armed for war.

You express also, in your despatch of September 2, the hope that The Netherlands Government will do justice to your reclamation, grounding yourself on the tenor of Treaties existing between The Netherlands and The United States, on the principles of the law of nations, and, finally, upon the assurances you have received from the King's Government.

Amidst all the European Powers there are few who have better defended the rights of neutrals, and have suffered more in this noble cause than Denmark; and one of her greatest statesmen of the close of the last century, Count Bernstorff, has been able to declare with justice, in his memoir of July 28, 1793, a document that will long continue to be celebrated: "A neutral power fulfils all its duties by never departing from the most strict impartiality, nor from the avowed meaning of its Treaties."

I have endeavoured, Sir, to show, in what precedes, that the Government of The Netherlands has fulfilled conscientiously its first duty, and will adhere faithfully thereto.

The Cabinet of the Hague does not observe, and will not observe less religiously the tenor of Treaties.

The Treaty of the 19th of January, 1839,* and the additional Convention of the 26th of August, 1852,* only relate to commerce and navigation; the only Treaties that can be invoked in the present case are those of the 8th of October, 1782.

I do not think it my duty to enter here upon a discussion of principles on the question of deciding whether these Treaties can still be considered as actually in force, and I will not take advantage of the circumstances that the Cabinet of Washington has implicitly recognized, by the very reclamation which is the object of your despatches, that the Treaties of 1782 cannot any longer be invoked as the basis of international relations between The Netherlands and The United States.

I will only take the liberty of observing to you, Sir, that the execution of the stipulations included in those diplomatic acts would be far, in the present circumstances, from being favourable to the Government of the Republic.

* Vol. XXVII. Page 1081.

† Vol. XLII. Page 755.

In fact, we should, in this case, admit to our ports privateers with their prizes, which could even be sold there by virtue of Article V of the before-cited Convention of 1782, on rescues.

It would, perhaps, be objected that the Treaty of 1782, having been concluded with the United States of America, could not be invoked by a part of the Union which had seceded from the Central Government, and I do not dissent from the opinion that this thorny question of public law would give rise, should the case occur, to very serious difficulties.

But we cannot lose sight of the fact that the Treaty spoken of was concluded, even before the recognition of The United States by England, in 1783, with the oldest members of the Republic, among others, to wit, with Virginia, North Carolina, South Carolina, and Georgia, and that those States actually figure among the secessionists.

In 1782 the Republic of North America was only a simple confederation of States, remaining sovereign, united only for common defence (*Staatenbund*), and it is only since the establishment of the Constitution, of the 17th of September, 1787, that the pact which binds together The United States received the character which is attributed to it by Mr. Wheaton, also (*Elements of International Law*), of a perfect union between all the members as one people under one Government, Federal and Supreme (*Bundestaat*), "a commonwealth," according to Mr. Motley in his pamphlet "Causes of the Civil War in America," p. 71.

In view of this fundamental difference between the present character of the Government of The United States and that of the Party Contracting the Treaty of 1782, it would be difficult to refuse in equity the privilege of the secessionist States to avail themselves of it.

It will, therefore, not escape your penetration that it is preferable, as well for the Netherlands as for the Cabinet of Washington, to leave the Treaty above mentioned at rest, and that, in excluding privateers from its ports the Government of The Netherlands has acted only in the interests of the Government of The United States, to which it is bound by feelings of a friendship which dates even from the time of the existence of the Republic of the United Provinces, and which the King's Government will make every effort to maintain and consolidate more and more.

According to the law of nations, the cases in which the neutrality of a power is more advantageous to one party than to the other do not affect or impair it; it suffices that the neutrality be perfect and strictly observed. The Government of The Netherlands has not departed from it, therefore, in denying admission to the ports of His Majesty's territories to privateers, although at first glance this determination is unfavourable to the southern States.

The difficulties which have actually arisen, and which may be

renewed hereafter, the desire to avoid as much as possible everything that could compromise the good understanding between the Governments of The United States and The Netherlands, impose on the last obligation to examine with scrupulous attention if the maintenance of the general principles which I have had the honour to develop might not in some particular cases impair the attitude of neutrality which the Cabinet of the Hague desires to observe. If, for example, we had room to believe that the *Sumter*, or any other vessel of one of the two belligerent parties, sought to make of Curaçoa, or any other port in His Majesty's dominions, the base of operations against the commerce of the adverse party, the Government of The Netherlands would be the first to perceive that such acts would be a real infraction, not merely of the neutrality we wish to observe, but also of the right of sovereignty over the territorial seas of the State; the duty of a neutral State being to take care that vessels of the belligerent parties commit no act of hostility within the limits of its territory, and do not keep watch in the ports of its dominion to course from them after vessels of the adverse party.

Instructions on this point will be addressed to the Governors of the Netherlands Colonial Possessions.

I flatter myself that the preceding explanations will suffice to convince the Federal Government of the unchangeable desire of that of the Netherlands to maintain a strict neutrality, and will cause the disappearance of the slightest trace of misunderstanding between the Cabinets of the Hague and of Washington.

Accept, &c.

DE ZUYLEN DE NIEVELT

Mr. Seward to Mr. Pike.

SIR,

Washington, October 4, 1861.

I AM just now informed by a despatch from Henry Sawyer, Esq., our Consul at Paramaribo, that on the 19th day of August last the piratical steamer *Sumter* entered that port, and was allowed by the authorities there to approach the town and to purchase and receive coals, to stay during her pleasure, and to retire unmolested, all of which was done in opposition to the remonstrances of the Consul.

You will lose no time in soliciting the attention of His Majesty's Government to this violation of the rights of The United States. They will be well aware that it is the second instance of the same kind that has occurred in regard to the same vessel in Dutch colonies in the West Indies.

It is some relief of the sense of injury that we feel that we do certainly know that the authorities who have permitted these wrongs had received instructions from their home Government in regard to the rights of The United States in the present emergency

We therefore hope for satisfactory explanations. But, in any case, you will inform that Government that The United States will expect them to visit those authorities with a censure so unreserved as will prevent the repetition of such injuries hereafter. An early resolution of the subject is imperatively necessary, in order that this Government may determine what is required for the protection of its national rights in the Dutch-American ports.

I am, &c.

WILLIAM H. SEWARD.

Mr. Pike to Mr. Seward.

SIR,

The Hague, October 9, 1861.

SINCE my last (under date of October 2) I have received a letter from The United States' Consul at Paramaribo, of which the following is a copy :

"SIR,

"Port of Paramaribo, September 4, 1861.

"I HAVE the honour (but with chagrin) to inform you that the rebel steamer *Sumter* arrived at this port on the 19th of August, and left on the 31st, having been allowed to load and refit. I used my best endeavours to prevent it without avail.

"I am, &c.

"HENRY SAWYER."

Immediately on receipt of it I addressed the following note to the Minister of Foreign Affairs :

"SIR,

"The Hague, October 8, 1861.

"I HAVE just received a communication from the American Consul at Paramaribo under date of the 4th of September last, which I lose no time in laying before your Excellency.

"The Consul states :"

[See above.]

"The reappearance of the *Sumter* in a port of the Netherlands, after so brief an interval, seems to disclose a deliberate purpose on the part of the persons engaged in rebellion against The United States' Government to practise upon the presumed indifference, the expected favour, or the fancied weakness of the Dutch Government.

"During a period of 46 days, during which we have heard of this piratical vessel in the West Indies, it would appear that she had been twice entertained and supplied at Dutch ports, and spent 18 days under their shelter.

"This can be no accidental circumstance.

"In the multitude of harbours with which the West India seas abound, the *Sumter* has had no occasion to confine her visits so entirely to the ports of one nation, especially one so scantily supplied with them as Holland. And the fact that she does so is, in my

judgment, not fairly susceptible of any other interpretation than the one I have given.

"I feel convinced that the Government of the Netherlands will see in this repeated visit of the *Sumter* (this time, it appears, without any pretext) a distinct violation of its neutrality according to its own views, as laid down in your Excellency's communication to me of the 17th of September last, and a case which will call for the energetic assertion of its purpose expressed in the paper referred to, namely, not to allow its ports to be made the base of hostile operations against The United States. For that the *Sumter* is clearly making such use of the Dutch ports would seem to admit of no controversy.

"In view of the existing state of the correspondence between The United States and the Netherlands on the general subject to which this case belongs, and of the questions and relations involved therein, I shall be excused for the brevity of this communication upon a topic of so much importance and so provocative of comment.

"The Undersigned, &c."

I called to-day upon Baron Van Zuylen, but he was absent, and I shall not therefore be able to see him again before the close of the mail which takes this. And I do not know that an interview would in any way affect the existing state of things or give me any new information. This Government's intentions are good; and it desires to avoid all difficulty with The United States, and with everybody else.

As I stated in my despatch of the 25th September, I have confidence that orders have been given that will impede the operations of these vessels in Dutch ports hereafter, and probably drive them elsewhere.

I am, &c.

JAMES S. PIKE.

Mr. Pike to Mr. Seward.

(Extracts.)

The Hague, October 12, 1861.

AFTER reflection, upon the re-appearance of the *Sumter*, and her prolonged stay in the port of Paramaribo (this time apparently without pretext of any kind), I have felt, in view of the position taken by the Dutch Government in their communication to me of the 17th of September, that we were entitled to be specially informed of the precise interpretation which this Government puts upon their general declaration in the communication referred to, namely, that it will not permit its ports to be made the base of hostile operations against The United States' commerce.

I have accordingly made the direct inquiry of Baron Van Zuylen, without waiting to hear what you have to say in response to that communication. In reply to my inquiry, Baron Van Zuylen has

informed me that, previous to his receiving information of the appearance of the *Sumter* at Paramaribo, orders were issued by the department of the Colonies, instructing the colonial authorities not to permit the repetition of the visits of the *Sumter*, and other vessels of the so-called Confederate States; and if they did make their appearance in Dutch ports, to require them to leave within 24 hours, under penalty of being held to occupy a hostile attitude towards the Government of the Netherlands. And further, that those authorities have also been instructed to forbid the furnishing of such vessels with more than 24 hours' supply of fuel. These instructions, thus defined, are to the point. Whether they have been made general, and with that disregard of distinctions between the rights of mere belligerents and those of recognized nationalities, enjoying pacific relations and acting under Treaties of amity and friendship, that mark the communication to which I have adverted, I did not deem it pertinent to inquire, nor do I consider the inquiry of any value as regards the practical bearings of this case.

In compliance with my request, Baron Van Zuylen has promised to furnish me with a copy of the order referred to, which, when received, I shall transmit to you without delay.

Although this order, as thus described to me by Mr. Van Zuylen, only sustains the expectations I have expressed to you on two former occasions as to what the action of this Government would be, yet, considering the present attitude of the question, it is a matter of some surprise to me that a copy of it should not have been tendered without waiting to have it asked for.

Taking it to be as herein described, I do not see that the position of this Government, so far as its action is concerned, is amenable to very grave censure, whatever may be said of its theoretic views, since the Dutch ports are now, substantially, shut to the vessels. The restriction in regard to supplying fuel, if adopted by other Powers holding colonies in the West Indies, will put an end to rebel operations by steam in those seas.

I take some gratification in reflecting that my persistent appeals to the Government to issue specific orders, on some ground, to their colonial authorities, looking to the exclusion of the piratical vessels of the seceding States from the Dutch ports, have not been wholly unavailing. That the Government has argued against it, and declined acting on any suggestion I could make, is of small consequence, so long as they have found out a way of their own of doing the thing that was needed.

Baron Van Zuylen has renewedly expressed great regret that any questions should have arisen between the two Governments.

JAMES S. PIKE.

Mr. Pike to Mr. Seward.

SIR,

The Hague, October 16, 1861.

I HAVE the honour to enclose you the reply of the Minister of Foreign Affairs to the communication I addressed to him on the 8th instant, in regard to the reappearance of the *Sumter* at Paramaribo. He states therein the character of the orders which have been sent to the colonial authorities, to which I referred in my last despatch, of October 12.

The British Minister here, Sir Andrew Buchanan, expressed incredulity and surprise when I informed him this Government had issued the order in question. He declared the British Government would not do it, and that The United States would not under similar circumstances. He said it was giving us an advantage, and was not therefore neutral conduct. He added that Russia asked Sweden to close her ports against both belligerents during the Crimean war, and England would not permit it, alleging that as Russia did not want to use them, and England did, it gave the former an advantage to which that power was not entitled. The British Government held that Sweden, as a neutral, had no right to alter the natural situation unless it operated equally.

You see herein how thoroughly English officials (and it seems to me all others) are imbued with the idea that the rights of a mere belligerent are the same as the rights of a nation, in cases like the one under consideration.

I have received to-day a letter from our Consul at Paramaribo, dated September 20, in which he says The United States' steamer *Powhatan* arrived there on the 14th in search of the *Sumter*, and left for Brazil the same day; also that the *Keystone State* arrived on the 18th on the same errand, and left on the 19th for the West India islands.

Your despatch of the 28th of September, acknowledging receipt of mine of the 4th, has arrived. As you make no mention of mine of the 11th, it would seem another mail has missed. I wrote our despatch agent at London on the subject several days ago.

He replies that my despatch of the 4th of September went on the 7th, and that of the 11th on the 14th, which was in regular order.

I have, &c.

JAMES S. PIKE.

Baron Van Zuylen to Mr. Pike.

SIR,

(Translation.)

The Hague, October 15, 1861.

By your despatch of the 8th of this month you have fixed my attention on the arrival of the *Sumter* at Paramaribo, and you complain that on this occasion the said vessel was admitted into

ports of the Netherlands during 18 days out of the 46 in which the *Sumter* had shown herself in the West India seas.

You suppose that this is not a fortuitous case, and you demand that the Government of the Netherlands, in accordance with the intentions mentioned at the close of my communication of the 17th September last, may not permit its ports to serve as stations or as a base of hostile operations against The United States.

You have not deemed it your duty to enter for the moment on the discussion of the arguments contained in my above-mentioned communication, but you say that you wish to await preliminarily the reply of the Cabinet at Washington.

I may, therefore, on my part, confine myself for the moment to referring, as to what regards the admission in general of the *Sumter* into the ports of the Netherlands and the character of this vessel, to the arguments contained in my communication of the 17th September, from which it follows, that if we do not choose to consider *prima facie* all the ships of the seceding States as privateers, and if, in the present case, the *Sumter* could not be, in the opinion of the Government of the Netherlands, comprised among such, entrance to the ports of the Netherlands cannot be prohibited to that vessel without a departure from neutrality and from the express terms of the proclamation of the royal Government.

It has already been observed that the latter, in forbidding access to the ports of the Netherlands to privateers, favours The United States much more, among others, than the declaration of the 10th June by the French Government, which not permitting any vessel-of-war or privateer of the one or the other of the belligerents to sojourn with prizes in the ports of the empire for longer time than 24 hours, except in the case of the shelter through stress (*relâche forcée*), admits them without distinction when they do not bring prizes with them. But, without entering here into useless development, I think I may observe to you, Sir, that the royal Government, whilst refusing to treat as pirates, or even to consider as privateers, all the vessels of the southern States, has striven, as much as the duties of strict neutrality permit, to keep the *Sumter* away from our ports. When this vessel arrived at Paramaribo, the commanders of two ships of the French Imperial marine, which were there at the time, declared to the Governor of Surinam that the *Sumter* was a regular vessel-of-war and not a privateer. The commander of the *Sumter* exhibited afterwards, to the same functionary, his commission as commandant in a regular navy.

Although there was no reason, under such circumstances, to refuse to the *Sumter* the enjoyment of the law of hospitality in all its extent, the Governor before referred to, strove to limit it as much as possible. Thus, although pit coal is not computed contraband,

if not at most, and within a recent time only, contraband by accident, it was not supplied to the *Sumter* except in the very restricted quantity of 125 tons, at the most sufficient for 4 days' progress.

However, the Government of the Netherlands, wishing to give a fresh proof of its desire [to avoid] all that could give the slightest subject for complaint to The United States, has just sent instructions to the colonial authorities, enjoining them not to admit, except in case of shelter from stress (*relâche forcée*), the vessels-of-war and privateers of the two belligerent parties, unless for twice 24 hours, and not to permit them, when they are steamers, to provide themselves with a quantity of coal more than sufficient for a run of 24 hours.

It is needless to add that the Cabinet of the Hague will not depart from the principles mentioned at the close of my reply of the 17th September, of which you demand the application: it does know and will know how to act in conformity with the obligations of impartiality and of neutrality, without losing sight of the care for its own dignity.

Called by the confidence of the King to maintain that dignity, to defend the rights of the Crown, and to direct the relations of the State with foreign Powers, I know not how to conceal from you, Sir, that certain expressions in your communications above mentioned, of the 23rd and 25th September last, have caused an unpleasant impression on the King's Government, and do not appear to me to correspond with the manner in which I have striven to treat the question now under discussion, or with the desire which actuates the Government of the Netherlands to seek for a solution perfectly in harmony with its sentiments of friendship towards The United States, and with the observance of Treaties.

The feeling of distrust which seems to have dictated your last despatch of the 8th of this month, and which shows itself especially in some entirely erroneous appreciations of the conduct of the Government of the Netherlands, gives to the last, strong in its good faith and in its friendly intentions, just cause for astonishment. So, then, the Cabinet of which I have the honour to form part deems that it may dispense with undertaking a justification useless to all who examine impartially and without passion the events which have taken place.

The news which has reached me from the royal Legations at London and at Washington, relative to the conduct of the British Government in the affair of the *Sumter*, can only corroborate the views developed in my reply of the 17th September last, and in the present communication.

It results from this, in effect, that not only has the British

Government treated the *Sumter* exactly as was done at Curaçoa, since that vessel sojourned 6 or 7 days at the island of Trinidad, where she was received amicably and considered as a vessel-of-war, but that the Crown lawyers of England, having been consulted on the matter, have unanimously declared that the conduct of the Governor of that colony of England had been in all points in conformity with the Queen's proclamation of neutrality.

According to them the *Sumter* was not a privateer but a regular vessel-of-war (duly commissioned), belonging to a state possessing the rights of war (belligerent rights).

The *Sumter*, then, has been treated as a vessel-of-war of The United States would have been, and that vessel had the same right to obtain supplies at Trinidad as any vessel belonging to the navy of the northern States. Accept, &c.

DE ZUYLEN DE NIJEVELT.

Mr. Seward to Mr. Pike.

SIR,

Washington, October 17, 1861.

YOUR despatch of the 25th of September has been received. It is accompanied by a note which was addressed to you by Baron Van Zuylen, on the 17th day of September last, on the subject of the admission of the pirate steamer *Sumter* into the port of Curaçoa.

I reproduce the account of that transaction, which was made by this Government a subject of complaint to the Government of the Netherlands. The steamer *Sumter* hove in sight of the port of Curaçoa on the evening of the 15th of July, and fired a gun for the pilot, who immediately took to sea. On his reaching the pirate vessel she hoisted what is called the Confederate flag, and the same being unknown in that port, the pilot told the captain that he had to report to the Governor before taking the vessel into port. The pilot having made this report, the Governor replied to the captain that, according to orders from the supreme Government, he could not admit privateers into the port, nor their prizes, but in the case of distress, and therefore the steamer could not be admitted before her character was perfectly known.

In reply to this message, the captain of the steamer remained outside of the port until the next morning, when he sent a despatch to the Governor by an officer, stating that his vessel being a duly commissioned man-of-war of the Confederate States, he desired to enter the port for a few days. The Colonial Court assembled the same evening, and, on the ground of the declaration and assurance of the privateer captain that the vessel is not a privateer, it was decided that she should enter the port, and she entered accordingly.

The Consul of The United States thereupon informed the Governor, by a note, that the steamer was, by the laws and express declaration of The United States, a pirate, and that on her way from New Orleans to Curaçoa she had taken and sent for sale to the Spanish island of Cuba several American merchant-vessels, and on these grounds he asked upon what pretext and conditions the unlawful steamer had obtained admittance into Curaçoa.

The Governor answered that, according to the orders received from the supreme Government, neither privateers nor their prizes are to be allowed admittance to the ports or bays of this colony save only in cases of distress. But that this prohibition does not extend to vessels-of-war, and that the *Sumter* being a man-of-war, according to the rules of nations, could not be repelled from that port.

The piratical vessel was then supplied at Curaçoa with 120 tons of coals, and departed at her own time and pleasure. On receiving this information, you were instructed to call the attention of the Government of the Netherlands to the proceeding of the Governor of Curaçoa, and to ask that the proceedings, if correctly reported, might be disavowed, and that the Governor might be made to feel the displeasure of his Government.

You performed this duty in due season by addressing a proper note to Baron Van Zuylen. On the 2nd of September he acknowledged your note, and promised you an early reply on the merits of the subject.

On the 17th of September he communicated this reply to you in the note which is now before me.

I encounter a difficulty in giving you instructions for your reply to that paper, because, first, since the correspondence was opened, a similar case of violation of our national rights has occurred in the hospitalities extended to the same piratical vessel in the Dutch port of Paramaribo, and has been made a subject of similar complaint, which, as yet, so far as I am advised, remains unanswered; and, secondly, the note of Baron Van Zuylen promises that special instructions shall be speedily given to the Colonial authorities of the Netherlands in regard to conduct in cases similar to those which have induced the existing complaints. I cannot, of course, foresee how far those instructions, yet unknown to me, may modify the position assumed by the Minister of Foreign Affairs in the paper under consideration.

Under these circumstances, I must be content with setting forth, for the information of the Government of the Netherlands, just what The United States claim and expect in regard to the matter in debate.

They have asked for an explanation of the case, presented by the admission of the *Sumter* by the Governor of Curaçoa, if one can

be satisfactorily given; and if not, then for a disavowal of that officer's proceedings, attended by a justly deserved rebuke.

These demands have been made, not from irritation or any sensibility of national pride, but to make it sure that henceforth any piratical vessel fitted out by or under the agency of disloyal American citizens, and -cruizing in pursuit of merchant-vessels of The United States, shall not be admitted into either the continental or the colonial ports of the Netherlands under any pretext whatever. If that assurance cannot be obtained in some way, we must provide for the protection of our rights in some other way. Thus, the subject is one of a purely practical character; it neither requires nor admits of debate or argument on the part of The United States. If what is thus desired shall be obtained by The United States in any way, they will be satisfied; if it fails to be obtained through the disinclination of the Government of the Netherlands, its proceedings in this respect will be deemed unfriendly and injurious to The United States. The United States being thus disposed to treat the subject in a practical way, they are not tenacious about the manner or form in which the due respect to their rights is manifested by the Government of the Netherlands, and still less about the considerations or arguments upon which that Government regulates its own conduct in the matter. They regard the whole insurrection in this country as ephemeral; indeed, they believe that the attempt at piracy under the name of privateering, made by the insurgents, has already well nigh failed. While, therefore, they insist that shelter shall not be afforded to the pirates by nations in friendship with The United States, they, at the same time, are not unwilling to avoid grave debates concerning their rights that might survive the existing controversy. It remains only to say in this connexion that the course which The United States are pursuing in their complaints to the Government of the Netherlands is not peculiar, but it is the same which has been and which will be pursued towards any other maritime Power on the occurrence of similar grievances.

With these remarks, I proceed to notice Baron Van Zuylen's communication. You will reply to him that The United States unreservedly claim to determine for themselves absolutely the character of the *Sumter*, she being a vessel fitted out, owned, armed, sailed, and directed by American citizens who owe allegiance to The United States, and who neither have nor can, in their piratical purposes and pursuits, have or claim any political authority from any lawful source whatever.

The United States regard the vessel as piratical, and the persons by whom she is manned and navigated as pirates.

The United States, therefore, cannot admit that the *Sumter* is a

ship-of-war or a privateer, and so entitled to any privileges whatever, in either of those characters, in the port of Curaçoa; nor can they debate any such subject with the Government of the Netherlands. This will be all that you will need to say in reply to the whole of Baron Van Zuylen's note, except that portion of it which states, rather by way of argument than of assertion, that according to the information received from the Governor of Curaçoa (by the Government of the Netherlands), the *Sumter* was actually in distress, and that functionary, therefore, could not refuse to allow the said vessel to enter the port.

If this position shall be actually assumed by the Government of the Netherlands, two questions will arise; first, whether the fact that the *Sumter* was in distress was true, or a belief of the truth of that fact was the real ground upon which she was admitted by the colonial Governor into the port of Curaçoa; secondly, how far a piratical vessel, roving over the seas in pursuit of peaceful commercial vessels of The United States, and fleeing before their naval pursuit, but falling into distress herself, is entitled to charity at the hands of a State friendly to the nation upon whose commerce her depredations are directed.

It would hence be idle to occupy ourselves with a discussion of those questions until we know that the Government of the Netherlands determines to stand upon the main position from which they are derived.

You will therefore ask the Baron Van Zuylen for an explicit statement on this subject.

I cannot but hope, however, that the Government of the Netherlands will come to the conclusion that it is wisest and best, in view of the relations of the two countries, to give such directions to its agents as will render further prosecution of this discussion unnecessary, while it will prevent similar injuries in future to our national dignity and honour. Should it determine otherwise, and not be able to place the conduct of the Governor-General at Curaçoa in a better light than it has already done, it will become necessary to consider what means we can take to protect, in the ports of the Netherlands, national rights which cannot be surrendered or compromised.

I am, &c.

WILLIAM H. SEWARD.

Mr. Pike to Mr. Seward.

SIR,

The Hague, October 23, 1861.

I HAD the honour to transmit to you, on the 16th instant, the last communication of this Government in respect to the *Sumter* case, referring to the orders recently given to its colonial authorities, by which the stay of such vessels in Dutch ports is limited to 24

hours, and by which they are also forbidden to take on board more than 24 hours' supply of coal.

Considering these orders to be important, I have, in the following copy of my reply to the Dutch Government, ventured to express a qualified satisfaction at their issue. I am in hopes you will adopt a similar view of the case, as I conceive this Government to be well disposed towards The United States, and to consider that it has strained a point of our favour.

I doubt if England or France will do anything of the sort; but the course of Holland will, at least, furnish excellent grounds for some pertinent questions in case they decline.

I have informed Mr. Adams, and also Mr. Dayton and Mr. Schurz, of the final action of this Government in this case.

"SIR,

"*The Hague, October 22, 1861.*

"IN reply to your communication of the 15th instant, which I have had the honour to receive, I take pleasure in assuring your Excellency that it is far from my purpose to say anything at any time which should occasion painful impressions on the part of His Majesty's Government, or to use language marked by impatience or irritation at the course of the Government of the Netherlands. But while making this disclaimer, frankness compels me to add that I should not know in what more moderate terms to express my sentiments than those I have had the honour to employ in addressing Her Majesty's Government.

"I desire further to say, in respect to that part of your Excellency's communication which refers to the recent orders given to the Dutch colonial authorities not to permit vessels engaged in pirating upon United States' commerce to remain in their ports more than 24 hours, and, when steamers, not to be furnished with more than 24 hours' supply of fuel, that, while I receive the announcement with satisfaction, it is qualified by deep regrets at the position His Majesty's Government has thought proper to take in placing the misguided persons in rebellion against The United States on a footing of equality, in a most important respect, with the Government to which they owe obedience; for, though the orders in question deny shelter and aid to pirates, it is impossible to regard with complacency the fact that the exclusion operates equally against the vessels of The United States, denying to them that accustomed hospitality ever accorded on friendly nations.

"Abstaining, however, as heretofore, from any discussion by this topic while awaiting the reply of my Government to your communication of the 17th of September, I will only add that I feel assured The United States' Government, will fully share these regrets, and I can only hope will not impeach my expressions of

satisfaction at the orders which you inform me have been given in accordance with the rule of action laid down in that paper, notwithstanding the position falls so far short of that which The United States have confidently expected Holland would occupy on this question.

"I pray, &c.

"JAMES S. PIKE."

I have had the honour to receive your despatch of the 4th of October, relative to the *Sumter* at Paramaribo, to which subject I have already given my attention.

I have, &c.

JAMES S. PIKE.

M. Van Zuylen to Mr. Pike.

SIR, (Translation.) *The Hague, October 29, 1861.*

I HAVE had the honour to receive your letter of the 22nd of this month, relative to the affair of the *Sumter*, and it has been gratifying to me to learn from its tenor that you have received with satisfaction the information as to the measures adopted by the Government of the Low Countries to prevent the return or the prolonged stay in its ports of vessels which, like the *Sumter*, seemed to desire to use them as the base of their operations against the commerce of the adverse party.

You regret only that the Government of the King should have adopted the same treatment towards the war vessels of the seceding States and those of The United States.

Without entering here into an extended discussion, rendered, moreover, almost superfluous by my two preceding communications, I shall merely permit myself, sir, in referring to their contents, to cause you to observe that, agreeably to the doctrine of the best publicists, neutrality imposes upon those nations which desire to enjoy its benefits a complete abstention from all that could establish a difference of treatment between the belligerent parties, and that this principle applies as well to the case of civil war, or even of rebellion, as to that of an ordinary war.

Your Government having desired that measures should be taken to prevent a prolonged stay in our ports of the *Sumter*, or of other vessels-of-war of the seceding States, we have admitted the justice of this claim. But these measures could not reach exclusively one of the two parties; they were to be general, and the consequence of it is that the new instructions given to the Governors of Curaçoa and of Surinam neither permit the vessels-of-war of The United States, except in the case of being compelled to put into a port, to sojourn in the ports of the Netherlands, in the West Indies, for a longer time than twice 24 hours (and not only for 24 hours, as you seem to believe).

Nevertheless, the privateers, with or without their prizes, are, as heretofore, excluded from the Netherland ports, and it is by an oversight, which I hasten to rectify, that the words "and the privateers" have been introduced into that part of my communication of the 15th of this month which calls your attention to the instructions transmitted to the colonial authorities.

Accept, &c.

DE ZUYLEN DE NIJEVELT.

BRITISH PROCLAMATION, for the Observance of Neutrality in the contest between The United States and the Confederate States of America.*—London, May 13, 1861.

BY THE QUEEN.—A PROCLAMATION.

VICTORIA R.

WHEREAS we are happily at Peace with all Sovereigns, Powers, and States :

And whereas hostilities have unhappily commenced between the Government of the United States of America and certain States styling themselves the Confederate States of America :

And whereas we, being at Peace with the Government of The United States, have declared our Royal determination to maintain a strict and impartial neutrality in the contest between the said contending Parties :

We, therefore, have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation :

And we do hereby strictly charge and command all our loving subjects to observe a strict neutrality in and during the aforesaid hostilities, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril :

And whereas in and by a certain statute made and passed in the 59th year of His Majesty King George III [cap. 69],† intituled "An Act to prevent the enlisting or engagement of His Majesty's subjects to serve in a foreign service, and the fitting out or equipping, in His Majesty's dominions, vessels for warlike purposes, without His Majesty's licence," it is, amongst other things, declared and enacted as follows :

"That if any natural-born subject of His Majesty, his heirs and

"London Gazette" of May 14, 1861.

† Vol. VI. Page 130.

successors, without the leave or licence of His Majesty, his heirs or successors, for that purpose first had and obtained, under the sign manual of His Majesty, his heirs or successors, or signified by Order in Council, or by Proclamation of His Majesty, his heirs or successors, shall take or accept, or shall agree to take or accept, any military commission, or shall otherwise enter into the military service as a commissioned or non-commissioned officer, or shall enlist or enter himself to serve as a soldier, or to be employed or shall serve as a warlike or military operation, in the service of or for or under or in aid of any foreign Prince, State, Potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of Government in or over any foreign country, colony, province, or part of any province or people, either as an officer or soldier, or in any other military capacity; or if any natural-born subject of His Majesty shall, without such leave or licence as aforesaid, accept or agree to take or accept any commission, warrant, or appointment as an officer, or shall enlist or enter himself, to serve as a sailor or marine, or to be employed or engaged, or shall serve in and on board any ship or vessel-of-war, or in and on board any ship or vessel used or fitted out or equipped, or intended to be used for any warlike purpose, in the service of or for or under or in aid of any foreign Power, Prince, State, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people; or if any natural-born subject of His Majesty shall, without such leave and licence as aforesaid, engage, contract, or agree to go, or shall go to any foreign State, country, colony, province, or part of any province or to any place beyond the seas, with an intent or in order to enlist or enter himself to serve, or with intent to serve in any warlike or military operation whatever, whether by land or by sea, in the service of or for or under or in aid of any foreign Prince, State, potentate, colony, province, or part of any province or people, or in the service of or for or under or in aid of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or a soldier, or in any other military capacity, or as an officer or sailor, or marine, in any such ship or vessel as aforesaid, although no enlisting money or pay or reward shall have been or shall be in any or either of the cases aforesaid actually paid to or received by him, or by any person to or for his use or benefit; or if any person whatever, within the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions elsewhere or in any country, colony, settle-

ment, island, or place belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt or endeavour to hire, retain, engage, or procure any person or persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed in any such service or employment as aforesaid, as an officer, soldier, sailor, or marine, either in land or sea service, for or under or in aid of any foreign Prince, State, potentate, colony, province, or part of any province or people, or for or under or in aid of any person or persons exercising or assuming to exercise any powers of government as aforesaid, or to go or to agree to go or embark from any part of His Majesty's dominions, for the purpose or with intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward shall have been or shall be actually given or received, or not; in any or either of such cases, every person so offending shall be deemed guilty of a misdemeanor, and upon being convicted thereof upon any information or indictment, shall be punishable by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted."

And it is in and by the said Act further enacted,

"That if any person, within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and licence of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, as a transport or store ship, or with intent to cruize or commit hostilities against any prince, state, or potentate or against the subjects or citizens of any Prince, State, or potentate, or against the persons exercising or assuming to exercise the powers of Government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province or part of any province or country, with whom His Majesty shall not then be at war; or shall, within the United Kingdom, or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court

in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's Customs or Excise, or any officer of His Majesty's navy, who is by law empowered to make seizures, for any forfeiture incurred under any of the laws of Customs or Excise, or the laws of Trade and Navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of His Majesty's Customs or Excise and the officers of His Majesty's navy are empowered respectively to make seizures under the laws of Customs and Excise, or under the laws of Trade and Navigation: and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned for any breach of the laws made for the protection of the Revenues of Customs and Excise, or of the laws of Trade and Navigation."

And it is in and by the said Act further enacted,

"That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions beyond the seas, without the leave and licence of His Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of each vessel, or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the warlike force of any ship or vessel of war or cruiser, or other armed vessel, which at the time of her arrival in any part of the United Kingdom, or any of His Majesty's dominions, was a ship of war, cruiser, or armed vessel in the service of any foreign Prince, State, or potentate, or of any person or persons exercising or assuming to exercise any powers of Government in or over any colony, province, or part of any province or people belonging to the subjects of any such Prince, State, or potentate, or to the inhabitants of the colony, province, or part of any province or country under the control of any person or persons so exercising or assuming to exercise the powers of Government, every such person so offending shall be deemed guilty of a misdemeanour, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court before which such offender shall be convicted."

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said statute, we do hereby strictly command, that no person or persons whatsoever do

commit any act, matter, or thing whatsoever, contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.

And we do hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our royal proclamation, and of our high displeasure, to do any acts in derogation of their duty, as subjects of a neutral Sovereign in the said contest, or in violation or contravention of the law of nations in that behalf; as for example and more especially by entering into the military service of either of the said contending parties as commissioned or non-commissioned officers or soldiers; or by serving as officers, sailors, or marines, on board any ship or vessel of war or transport, of or in the service of either of the said contending parties; or by serving as officers, sailors, or marines, on board any privateer bearing letters of marque of or from either of the said contending parties; or by engaging to go or going to any place beyond the seas, with intent to enlist or engage in any such service, or by procuring or attempting to procure within Her Majesty's dominions at home or abroad, others to do so; or by fitting out, arming, or equipping any ship or vessel to be employed as a ship of war or privateer or transport, by either of the said contending parties; or by breaking or endeavouring to break any blockade lawfully and actually established by or on behalf of either of the said contending parties; or by carrying officers, soldiers, despatches, arms, military stores, or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usage of nations, for the use or service of either of the said contending parties, all persons so offending will incur and be liable to the several penalties and penal consequences by the said statute, or by the law of nations, in that behalf imposed or denounced.

And we do hereby declare that all our subjects, and persons entitled to our protection, who may misconduct themselves in the premises, will do so at their peril and of their own wrong, and that they will in nowise obtain any protection from us against any liabilities or penal consequences, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our Court, at the White Lodge, Richmond Park, this 13th day of May, in the year of our Lord, 1861, and in the 24th year of our reign.

God save the Queen.

BRITISH PROCLAMATION, prohibiting the Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone.—Windsor, November 29, 1861.*

BY THE QUEEN.—A PROCLAMATION.

VICTORIA R.

WHEREAS in and by a certain statute, made and passed in the Parliament held in the 16th and 17th years of our reign, and intituled "The Customs Consolidation Act, 1853," it is, amongst other things, declared and enacted as follows; that is to say :

"The following goods may, by Proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food by man, and if any goods so prohibited shall be exported from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited."

And whereas we have thought fit, by and with the advice of our Privy Council, to prohibit either to be exported or carried coastwise, the articles hereinafter mentioned (being articles which we judge capable of being converted into or made useful in increasing the quantity of military or naval stores), we, therefore, by and with the advice of our Privy Council, and by this our royal Proclamation, do order and direct that, from and after the date hereof, all gunpowder, saltpetre, nitrate of soda, and brimstone, shall be, and the same are, hereby prohibited either to be exported from the United Kingdom or carried coastwise.

Given at our Court at Windsor, this 30th day of November, in the year of our Lord, 1861, and in the 25th year of our reign.

God save the Queen.

* "London Gazette" of November 29, 1861.

BRITISH ORDER IN COUNCIL, prohibiting the Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone from the Islands of Jersey, Guernsey, Alderney and Sark, and the Isle of Man.*—Windsor, November 30, 1861.

At the Court at Windsor, the 30th day of November, 1861.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it has appeared expedient and necessary to Her Majesty, by and with the advice of Her Privy Council, to prohibit the articles hereinafter mentioned to be exported or carried coastwise from the Islands of Jersey, Guernsey, Alderney, and Sark, and the Isle of Man respectively, except as hereinafter provided. Her Majesty is therefore pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that from and after the publication of this Order in the said islands respectively, the following articles, namely, gunpowder, saltpetre, nitrate of soda, and brimstone, shall be and the same are hereby prohibited to be exported or carried coastwise from the said Islands of Jersey, Guernsey, Alderney, and Sark, and the Isle of Man, respectively, except with the licence of the Lieutenant-Governor or other officer administering the government of such islands respectively for that purpose first had and obtained.

And the Lieutenant-Governors of Her Majesty's Islands of Jersey, Guernsey, Alderney and Sark, and the Isle of Man respectively, for the time being, are to give the necessary directions herein as to them may appertain.

ARTHUR HELPS.

BRITISH PROCLAMATION, prohibiting the Export of Arms, Ammunition, and Military Stores.†—Windsor, December 4, 1861.

BY THE QUEEN.—A PROCLAMATION.

VICTORIA R.

WHEREAS in and by a certain statute made and passed in the Parliament held in the 16th and 17th years of our reign, and intituled "The Customs Consolidation Act, 1858" [cap. 107], it is, amongst other things, declared and enacted as follows; that is to say:

* Supplement to the "London Gazette" of November 29, 1861.

† "London Gazette Extraordinary" of December 4, 1861.

"The following goods may, by Proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food by man, and if any goods so prohibited shall be exported from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited."

And whereas we have thought fit, by and with the advice of our Privy Council, to prohibit either to be exported or carried coastwise, the articles hereinafter mentioned, that is to say: arms, ammunition, and military stores (including percussion caps and tubes), and also lead (being an article which we judge capable of being converted into or made useful in increasing the quantity of military or naval stores), we, therefore, by and with the advice of our Privy Council, and by this our Royal Proclamation, do order and direct that, from and after the date hereof, all arms, ammunition, and military stores (including percussion caps and tubes), and also lead, shall be and the same are hereby prohibited either to be exported from the United Kingdom or carried coastwise.

Given at our Court at Windsor, this 4th day of December, in the year of our Lord 1861, and in the 25th year of our reign.

God save the Queen.

BRITISH ORDER IN COUNCIL, prohibiting the Export of Arms, Ammunition, and Military Stores.*—Windsor, December 4, 1861.

At the Court at Windsor, the 4th day of December, 1861.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it has appeared expedient and necessary to Her Majesty, by and with the advice of her Privy Council, to prohibit the articles hereinafter mentioned to be exported or carried coastwise from the Islands of Jersey, Guernsey, Alderney, and Sark, and the Isle of Man respectively, except as hereinafter provided. Her Majesty is therefore pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, that from and after the publication of this Order in the said islands respectively,

* "London Gazette" of December 4, 1861.

the following articles, namely, arms, ammunition, and military stores (including percussion caps and tubes), and also lead, shall be and the same are hereby prohibited to be exported or carried coastwise from the said Islands of Jersey, Guernsey, Alderney, and Sark, and the Isle of Man respectively, except with the licence of the Lieutenant-Governor or other officer administering the government of such islands respectively for that purpose first had and obtained.

And the Lieutenant-Governors of Her Majesty's Islands of Jersey, Guernsey, Alderney, and Sark, and the Isle of Man respectively for the time being, are to give the necessary directions herein as to them may appertain.

ARTHUR HELPS.

CORRESPONDENCE relating to the Civil War in the United States of North America; the proposed Recognition of the so-called Confederate States; the non-Reception by Great Britain of Commissioners from the Southern States; the Proceedings of Confederate Agents in Canada; the Enlistment in Canada of Men to Serve in The United States Army; the Arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming); the Pursuit of Deserters from United States into Canadian Territory; the Reception of Confederate Vessels in British Ports; Privateering; the Blockade of Southern Ports; the Neutrality of Great Britain; the non-Admission of Armed Vessels or Privateers with Prizes into British Ports; Cases of the Peerless, Winnefred, Peter Marcy, and Sumter.—1860—1862.*

No. 10.—*Lord Lyons to Lord J. Russell.*—(Rec. January 8, 1861.)
(Extract.) *Washington, December 24, 1860.*

On the 20th instant the Convention at Charleston passed unanimously an Ordinance declaring that the "union now subsisting between South Carolina and other States, under the name of the 'United States of America,' is dissolved."

The secession of South Carolina has been for some time regarded as certain. The formal accomplishment of it has, therefore, not in itself produced much sensation.

Lord J. Russell.

LYONS.

* For Correspondence between The United States and Netherlands, respecting the *Sumter*, see page 137.

No. 12.—*Lord Lyons to Lord J. Russell.*—(Received January 28.)
(Extract.) *Washington, January 15, 1861.*

The events which have actually occurred during the last eight days would seem to indicate a rapid progress in disunion.

Three more States, Mississippi, Florida, and Alabama, have formally seceded.

Forts, arsenals, and other Federal property, have been seized by the State authorities in States which are still nominally members of the Confederation.

A steam-vessel, the *Star of the West*, despatched by the Federal Government with reinforcements to Major Anderson at Fort Sumter, has been fired into from the batteries in the hands of the South Carolinians, and has retreated to New York.

Lord J. Russell.

LYONS.

No. 13.—*Lord Lyons to Lord J. Russell.*—(Received February 6.)
(Extract.) *Washington, January 21, 1861.*

THERE seems to be an undefined impression that the prospects of this country are rather less gloomy than they were a week ago; it has probably been occasioned by some appearances of hesitation in various Southern States, and by symptoms that even in those States which have already seceded the people are neither so enthusiastic nor so unanimous in favour of disunion as they were represented to be by the party leaders.

It can hardly, however, be thought that the actual events of the week are calculated to inspire increased confidence.

The State of Georgia has formally seceded; the Ordinance was passed by the Convention, the day before yesterday, by 208 votes to 89.

The proceedings of the Legislature in Virginia, the most important of the slave-holding border States, are less reassuring than was expected.

The House of Delegates in that State has, indeed, passed a resolution inviting all the States, slave-holding or not slave-holding, which "are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies . . . so as to afford to the people of the slave-holding States adequate guarantees for the security of their rights, to appoint commissioners to meet on the 4th day of February next, at Washington, similar commissioners appointed by Virginia to consider, and if practicable, to agree upon some suitable adjustment." It is to be feared, however, that the Legislature of Virginia will not consider anything to be an adequate security for the rights of the slave-holding States, which does not amount to a complete surrender by the North of all points in dispute

on the question of slavery. In the Senate of Virginia a resolution has been passed unanimously that "if all efforts to reconcile the unhappy differences between sections of our country shall prove abortive, then every consideration of honour and interest demands that Virginia shall unite her destinies with her sister slave-holding States."

Lord J. Russell.

LYONS.

No. 14.—Lord Lyons to Lord J. Russell.—(Received February 11.)

MY LORD,

Washington, January 29, 1861.

ON the 26th instant the State of Louisiana formally withdrew from the Confederation. The Convention of that State passed, simultaneously with the Ordinance of secession, a resolution declaring the navigation of the Mississippi to be free to all friendly States.

Thus six States, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, have quitted the Union.

Lord J. Russell.

LYONS.

No. 16.—Lord Lyons to Lord J. Russell.—(Received February 18.)

(Extract.)

Washington, February 4, 1861.

THE Convention of Commissioners from slave-holding and non-slave-holding States, which was invited by the Legislature of Virginia to meet at Washington, is to hold its first sitting to-day in this city. A considerable number of States, both Northern and Southern, have sent Commissioners. Great hopes are entertained by some people that a compromise may be devised by this Convention, which will satisfy both North and South, keep the Border States in the Confederation, and bring the seceding States back to it. Less sanguine men trust that the Convention will at least have the effect of preventing the risk of bloodshed for the moment, and of giving time for angry passions, both in the North and South, to cool.

Lord J. Russell.

LYONS.

No. 17.—Lord J. Russell to Lord Lyons.

(Extract.)

Foreign Office, February 20, 1861.

THE success or failure of Mr. Seward's plans to prevent the disruption of the North American Union is a matter of deep interest to Her Majesty's Government. But they can only expect and hope. They are not called upon, nor would they be acting prudently were they to obtrude their advice on the dissentient parties in The United States.

Supposing, however, that Mr. Lincoln, acting under bad advice, should endeavour to provide excitement for the public mind by raising questions with Great Britain, Her Majesty's Government

feel no hesitation as to the policy they would pursue. They would, in the first place, be very forbearing. They would show by their acts how highly they value the relations of peace and amity with The United States. But they would take care to let the Government which multiplied provocations and sought for quarrels, understand that their forbearance sprung from the consciousness of strength, and not from the timidity of weakness. They would warn a Government which was making political capital out of blustering demonstrations, that our patience might be tried too far.

If this tone is taken, when necessary, and only when necessary, I have no fears that the American Republic will seek a quarrel with a nation sprung from the same parents, and united by language as well as by ties of kindred and a long period of friendly intercourse.

Lord Lyons.

J. RUSSELL.

No. 18.—Lord Lyons to Lord J. Russell.—(Received February 25.)
(Extract.)

Washington, February 12, 1861.

THE hopes of the supporters of the Union are very much raised by the results of the elections in Virginia and Tennessee. But it must not be forgotten that the success of the "Union" party in those States means no more than that men in favour of consideration and consultation have been returned in opposition to partizans of instantaneous action. It is still doubtful whether any concessions which the North can or will make, will satisfy even the most moderate of the men elected in the two States. Time has, nevertheless, been gained; and, at all events, Mr. Lincoln's inauguration is not now likely to be interrupted by an attack upon this capital.

The "Congress" of the seceding States at Montgomery appears to be disposed to bid for European support by the insertion of an article in its Constitution, to prohibit for ever the African Slave Trade, and by the immediate promulgation of a comparatively low tariff of import duties.

The Commissioners from slave-holding States, who have assembled here by the invitation of Virginia, hold their sittings with closed doors. Commissioners have been appointed by the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Missouri, Ohio, Indiana, Illinois, Iowa, Wisconsin. It is considered very doubtful whether Congress would accept any such plan. The States which have already seceded have not sent Commissioners, and loudly declare that their own secession is final and irrevocable; that upon no terms whatever will they consent to a reunion.

The present plan of the northern politicians appears to be to avoid coming into actual collision with the seceding States, but to force them back into the Union by subjecting them to such inconveniences as shall make secession unpopular, if not intolerable. The principal engines to be employed are, cutting off postal communication and stopping foreign trade. It seems to be taken for granted that all foreign Powers will acquiesce in the exclusion of their merchant-vessels from the ports of the South.

Lord J. Russell.

LYONS.

No. 21.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, March 22, 1861.

THE American Minister called upon me yesterday afternoon, and read to me a despatch of Judge Black, dated the 28th of February.

In this despatch Judge Black expresses his conviction that States which have separated from The United States without any legal or constitutional right to do so will not be acknowledged as independent States by Great Britain. Her Majesty's Government have shown, he said, so friendly an interest in the welfare of The United States that it is due to them to state that The United States have not acknowledged the right of the seceding States to claim independence, and do not design to do so.

I replied to Mr. Dallas shortly and verbally, stating that, even if the Government of The United States had been willing to acknowledge the separation of the seceding States as founded in right, Her Majesty's Government would have seen with great concern the dissolution of the Union which bound together the members of the American Republic. That the opposition of the Government of The United States to any such separation, and the denial by them of its legality, would make Her Majesty's Government very reluctant to take any step which might encourage or sanction the separation. That, however, it was impossible to state, at the present moment, in what shape the question might present itself; nor was it in my power to bind the British Government to any particular course of conduct in cases of which the circumstances and the significance were at present unknown to us.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 22.—Lord Lyons to Lord J. Russell.—(Received March 24.)
(Extract.)

Washington, March 12, 1861.

THE 36th Congress of The United States came to an end at noon on the 4th instant.

The only step taken by it towards a pacification of the country was the passing a resolution, by a majority of two-thirds of each
[1860-61. LI.]

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House, for proposing in constitutional form to the several States the following amendment of the Constitution :

“ No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labour or service by the laws of said State.”

Such an amendment does not appear to be regarded by the southern States as likely to afford them any additional security to that which they already have under the Constitution as it stands. Congress is accordingly held by them to have done nothing towards satisfying their demands. It may be doubted whether they would have accepted, as sufficient, anything less than the Crittenden Propositions. Even the plan of the Peace Conference was regarded as inadequate in several of the border States. The States which had already quitted the Confederation declined to take any proposals into consideration, declaring their own secession to be final and irrevocable.

So soon as the clock announced the end of the 36th Congress, a special session of the Senate of the 37th Congress was held in virtue of a summons issued some days previously, according to custom, by the President. Having received the President and President Elect, the Senate accompanied them to the portico of the Capitol, where Mr. Abraham Lincoln read his inaugural address, and was sworn in as President for 4 years, in the usual form. The ceremony passed off with perfect order and tranquillity. There was a display of regular troops, not customary in this country, but no necessity for their presence was apparent.

I have the honour to inclose two copies of the inaugural address. It very much disappointed those who expected to find in it a clear and detailed exposition of the intentions of the incoming administration. The violent party in the south denounce it as a declaration of war; the violent party in the north, as an abandonment of principle. Calmer men look upon it as a skilfully-worded document by which the President has avoided making inconvenient pledges concerning his own conduct, without giving cause for any great irritation either to his own party or to the south. Like his predecessor, he declares, “ that in view of the Constitution and the laws, the Union is unbroken; and that, to the extent of his ability, he shall take care that the laws of the Union be faithfully executed in all the States.” He goes on to say, “ that the power confided to him will be used to hold, occupy, and possess the property and places belonging to the Government, and to collect the duties and imposts.” He deprecates bloodshed, but he does not declare, as Mr. Buchanan did, that the Government has absolutely no right to use force to bring a State back into the Union.

Lord J. Russell.

LYONS.

No. 25.—Mr. Seward to Mr. Dallas.—(Communicated to Lord J. Russell by Mr. Dallas, April 8.)

SIR,

Washington, March 9, 1861.

MY predecessor, in his despatch addressed to you on the 28th of February last, instructed you to use all proper and necessary measures to prevent the success of efforts which may be made by persons claiming to represent those States of this Union in whose name a Provisional Government has been announced, to procure a recognition of their independence by the Empire of Great Britain.

I am now instructed by the President of The United States to inform you that, having assumed the administration of the Government, in pursuance of an unquestioned election, and of the directions of the Constitution, he renews the injunction which I have mentioned, and relies upon the exercise of the greatest possible diligence and fidelity on your part to counteract and prevent the designs of those who would invoke foreign intervention to embarrass or overthrow the Republic.

When you reflect on the novelty of such designs, their unpatriotic and revolutionary character, and the long train of evils which must follow, directly or consequently, from even their partial or temporary success, the President feels assured that you will justly appreciate and cordially approve the caution which prompts this communication.

I transmit herewith a copy of the address pronounced by the President on taking the constitutional oath of office. It sets forth clearly the errors of the misguided partisans who are seeking to dismember the Union, the grounds on which the conduct of those partisans is disallowed, and also the general policy which the Government will pursue with a view to the preservation of domestic peace and order, and the maintenance and preservation of the Federal Union.

You will lose no time in submitting this address to the British Minister for Foreign Affairs, and in assuring him that the President of The United States entertains a full confidence in the speedy restoration of the harmony and unity of the Government, by a firm, yet just and liberal bearing, co-operating with the deliberate and loyal action of the American people.

You will truthfully urge upon the Government of Great Britain the consideration that the present disturbances have had their origin only in popular passions, excited under novel circumstances of very transient character, and that while not one person of well-balanced mind has attempted to show that dismemberment of the Union would be permanently conducive to the safety and welfare of even his own State or section, much less of all the States and sections of

our country, the people themselves still retain and cherish a profound confidence in our happy constitution, together with a veneration and affection for it, such as no other form of government ever received at the hands of those for whom it was established.

We feel free to assume that it is the general conviction of men, not only here, but in all other countries, that the Federal Union affords a better system than any other that could be contrived to assure the safety, the peace, the prosperity, the welfare, and the happiness, of all the States of which it is composed.

The position of these States, and their mining, agricultural, manufacturing, commercial, political, and social relations and influences, seem to make it permanently the interest of all other nations that our present political system shall be unchanged and undisturbed. Any advantage that any foreign nation might derive from a connection that it might form with any dissatisfied or discontented portion, State, or section, even if not altogether illusory, would be ephemeral, and would be overbalanced by the evils it would suffer from a disseverance of the whole Union, whose manifest policy it must be hereafter, as it has always been heretofore, to maintain peace, liberal commerce, and cordial amity with all other nations, and to favour the establishment of well-ordered government over the whole American Continent.

Nor do we think we exaggerate our national importance when we claim that any political disaster that should befall us, and introduce discord or anarchy among the States that have so long constituted one great, pacific, prosperous nation under a form of government which has approved itself to the respect and confidence of mankind, might tend by its influence to disturb and unsettle the existing systems of government in other parts of the world, and arrest that progress improvement and civilization which marks the era in which we live.

The United States have had too many assurances and manifestations of the friendship and goodwill of Great Britain to entertain any doubt that these considerations, and such others as your own large experience of the working of our Federal System will suggest, will have their just influence with the British Government, and will prevent that Government from yielding to solicitations to intervene, in any unfriendly way, in the domestic concerns of our country.

The President regrets that the events going on here may be productive of some possible inconvenience to the people and subjects of Her Britannic Majesty, but he is determined that those inconveniences shall be made as light and as transient as possible; and, so far as it may rest with him, that all strangers who may suffer any injury from them shall be amply indemnified.

The President expects that you will be prompt in transmitting

to this Department any information you may receive on the subject of the attempts which have suggested this communication.

I am, &c.

G. M. Dallas, Esq.

WILLIAM H. SEWARD.

No. 26.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, April 12, 1861.

MR. DALLAS called upon me on the 8th instant, in pursuance of an appointment, and communicated to me a despatch which he had received from Mr. Seward, United States' Secretary of State, and of which I inclose a copy.

There are several passages in this despatch at which I might have taken exception, but I thought it best not to raise unnecessary questions; I therefore confined myself to the following observations:

I said that it was not the wish or intention of Her Majesty's Government to pronounce any judgment on the causes which had induced 7 of the United States to secede from the rest; whether, as to the past, those States had reason to complain that the terms of the compact of Union had not been observed, or whether they had reason to apprehend that, for the future, justice would not be done to them, were questions which Her Majesty's Government did not pretend to decide. They had seen in The United States a free and prosperous community, with which they had been happy to maintain the most amicable relations.

Now that a secession had taken place, they were in no hurry to recognize the separation as complete and final. But, on the other hand, I could not bind Her Majesty's Government, nor tell how and when circumstances might arise which would make a decision necessary. That I must, therefore, decline to enter into any further discussion at the present moment, and could only assure him of our regret at the events which had recently occurred.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 27.—Lord Lyons to Lord J. Russell.—(Received April 30.)
(Extract)

Washington, April 15, 1861.

On the 8th instant a messenger from this Government informed the Governor of South Carolina and the Military Commandant at Charleston, that President Lincoln had determined to supply Fort Sumter with provisions, peaceably if possible, forcibly if necessary.

On the 11th instant the Military Commandant, in obedience to orders from Montgomery, from the Government of the southern Confederacy, summoned Fort Sumter to surrender.

On the 12th instant, at half-past 4 o'clock in the morning, the batteries prepared by the troops of the Confederate States opened their fire on the fort.

The day before yesterday Fort Sumter was surrendered unconditionally.

At Washington, the day before yesterday, President Lincoln, in answer to questions from Commissioners sent by the Legislature of Virginia, gave an authoritative interpretation of his inaugural address, leaving no doubt that he had resolved to adopt coercive measures against the south.

This morning the President has issued a proclamation calling out 75,000 men of the militia, and summoning a special session of Congress, for the 4th of July, the anniversary of the Declaration of Independence.

Lord J. Russell.

LYONS.

No. 28.—Lord J. Russell to the Lords Commissioners of the Admiralty.

MY LORDS,

Foreign Office, May 1, 1861.

THE intelligence which reached this country by the last mail from The United States gives reason to suppose that a civil war between the northern and southern States of that Confederacy was imminent, if indeed it might not be considered to have already begun.

Simultaneously with the arrival of this news, a telegram purporting to have been conveyed to Halifax from The United States was received, which announced that the President of the southern Confederacy had taken steps for issuing letters of marque against the vessels of the northern States.

If such is really the case, it is obvious that much inconvenience may be occasioned to the numerous British vessels engaged in trade on the coast of The United States and in the Gulf of Mexico, and that timely provision should be made for their protection against undue molestation by reason of the maritime operations of the hostile parties; and Her Majesty has accordingly commanded me to signify to your Lordships her pleasure that adequate reinforcements should forthwith be sent to Her Majesty's squadron on the North American and West Indian station, so that the Admiral in command may be able duly to provide for the protection of British shipping in any emergency that may occur.

I need scarcely observe to your Lordships that it may be right to apprise the Admiral that, much as Her Majesty regrets the prospect of civil war breaking out in a country in the happiness and peace of which Her Majesty takes the deepest interest, it is Her Majesty's pleasure that nothing should be done by her naval

forces which should indicate any partiality or preference for either party in the contest that may ensue. I am, &c.

The Lords Commissioners of the Admiralty. J. RUSSELL.

No. 81.—Lord Lyons to Lord J. Russell.—(Received May 10.)
(Extract.) *Washington, April 22, 1861.*

I HAVE the honour to inclose copies of a Proclamation of the President of the southern Confederacy, inviting application for letters of marque, and also a Proclamation of the President of The United States declaring that southern privateers will be treated as pirates, and announcing blockade of the southern ports.

I lost no time in taking measures to communicate the contents of these Proclamations as fast as possible, both by telegraph and post, to Rear-Admiral Sir Alexander Milne. The subsequent interruption of communication with the north has prevented my learning how far my measures were successful.

I am informed that an official notification of the blockade will be sent to the foreign Legations here in the course of the day.

Under ordinary circumstances, the season during which British vessels frequent southern ports closes in May and does not re-open until October.

I understand that some alarm is felt in the North respecting the southern privateers, but it must be supposed that the navy of The United States will suffice to arrest their operations. If these privateers, however, make any head in the Gulf of Mexico, it may perhaps be advisable that a British squadron should be sent there to insure the safety of British merchant-vessels.

Lord J. Russell.

LYONS.

(Inclosure 1.)—Proclamation by the President of the Confederate States of America.—April 17, 1861.

WHEREAS Abraham Lincoln, President of The United States, has by Proclamation announced the intention of invading the Confederacy with an armed force for the purpose of capturing its fortresses, and thereby subverting its independence, and subjecting the free people thereof to the dominion of a foreign Power: and whereas it has thus become the duty of this Government to repel the threatened invasion, and defend the rights and liberties of the people by all the means which the laws of nations and usages of civilized warfare place at its disposal.

Now, therefore, I Jefferson Davis, President of the Confederate States of America, do issue this my Proclamation, inviting all those

who may desire by service in private armed vessels on the high seas to aid this Government in resisting so wanton and wicked an aggression, to make application for commissions or letters of marque and reprisal, to be issued under the seal of these Confederate States; and I do further notify all persons applying for letters of marque to make a statement in writing, giving the name and suitable description of the character, tonnage, and force of the vessel, name of the place of residence of each owner concerned therein, and the intended number of crew, and to sign such statement and deliver the same to the Secretary of State or collector of the port of entry of these Confederate States, to be by him transmitted to the Secretary of State; and I do further notify all applicants aforesaid, before any commission or letter of marque is issued to any vessel or the owner or the owners thereof, and the commander for the time being, they will be required to give bond to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of 5,000 dollars, or if such vessel be provided with more than 150 men, then in the penal sum of 10,000 dollars, with the condition that the owners, officers, and crew who shall be employed on board such commissioned vessel shall observe the laws of these Confederate States and the instructions given them for the regulation of their conduct, that shall satisfy all damages done contrary to the tenor thereof by such vessel during her commission, and deliver up the same when revoked by the President of the Confederate States; and I do further specially enjoin on all persons holding offices, civil and military, under the authority of the Confederate States, that they be vigilant and zealous in the discharge of the duties incidental thereto; and I do, moreover, exhort the good people of these Confederate States, as they love their country, as they prize the blessings of free government, as they feel the wrongs of the past and those now threatened in an aggravated form by those whose enmity is more implacable because unprovoked, they exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting, invigorating all the measures which may be adopted for a common defence, and by which, under the blessing of Divine Providence, we may hope for a speedy, just, and honourable peace.

In witness whereof I have set my hand, and have caused the seal of the Confederate States of America to be attached, this 17th day of April, in the year of our Lord 1861.

ROBERT TOOMBS, *Secretary of State.*

JEFFERSON DAVIS.

(Inclosure 2.)—Proclamation by the President of the United States of America, declaring the Ports of the Confederates under Blockade.—April 19, 1861.

WHEREAS an insurrection against the Government of The United States has broken out in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and the laws of The United States for the collection of the revenue cannot be effectually executed therein conformably to that provision of the Constitution which requires duties to be uniform throughout The United States.

And whereas a combination of persons, engaged in such insurrection, have threatened to grant pretended letters of marque to authorize the bearers thereof to commit assaults on the lives, vessels, and property of good citizens of the country lawfully engaged in commerce on the high seas, and in waters of The United States.

And whereas an Executive Proclamation has been already issued, requiring the persons engaged in these disorderly proceedings to desist therefrom, calling out a militia force for the purpose of repressing the same, and convening Congress in extraordinary session to deliberate and determine thereon.

Now, therefore, I, Abraham Lincoln, President of The United States, with a view to the same purposes before mentioned, and to the protection of the public peace, and the lives and property of quiet and orderly citizens pursuing their lawful occupations, until Congress shall have assembled and deliberated on the said unlawful proceedings, or until the same shall have ceased, have further deemed it advisable to set on foot a blockade of the ports within the States aforesaid, in pursuance of the laws of The United States, and of the law of nations in such case provided. For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach or shall attempt to leave any of the said ports, she will be duly warned by the commander of one of the blockading vessels, who will endorse on her register the fact and date of such warning, and if the same vessel shall again attempt to enter or leave the blockaded port, she will be captured and sent to the nearest convenient port for such proceedings against her and her cargo as prize as may be deemed advisable.

And I hereby proclaim and declare that if any person, under the pretended authority of the said States, or under any other pretence, shall molest a vessel of The United States, or the persons or cargo on board of her, such person shall be held amenable to the laws of The United States for the prevention and punishment of piracy.

In witness whereof I have hereunto set my hand, and caused the seal of The United States to be affixed.

Done at the city of Washington, this 19th day of April, in the year of our Lord, 1861, and of the Independence of The United States the 85th.

By the President: **ABRAHAM LINCOLN.**
WILLIAM H. SEWARD, Secretary of State.

No. 32.—Lord Lyons to Lord J. Russell.—(Received May 10.)

MY LORD, *Washington, April 23, 1861.*

I HAVE the honour to inclose a copy of a letter, dated yesterday, from Mr. Seward, the Secretary of State, to Mr. Hicks, the Governor of Maryland, which has appeared in the Washington newspapers this morning.

I learn from it that the Governor proposed to Mr. Seward that I should be requested to act as mediator between the contending parties to prevent the effusion of blood. I had no previous knowledge of this proposal, nor have I had any communication whatever with Governor Hicks or any other of the Maryland authorities.

The proposal is, as might have been foreseen, unhesitatingly rejected by Mr. Seward.

I am convinced that no good effect could be produced at this moment by any offer on the part of the Representatives of the European Powers to mediate between the north and the south.

I have myself strictly conformed in my language and conduct to the instructions given me by your Lordship's despatch of the 5th January last.

I have, &c.

Lord J. Russell.

LYONS.

*No. 83.—Lord J. Russell to Lord Lyons.**

MY LORD, *Foreign Office, May 11, 1861.*

ON Saturday last I received at my house Mr. Yancey, Mr. Mann, and Judge Rost, the three gentlemen deputed by the Southern Confederacy to obtain their recognition as an independent State. One of these gentlemen, speaking for the others, dilated on the causes which had induced the southern States to secede from the Northern. The principal of these causes, he said, was not slavery, but the very high price which, for the sake of protecting the Northern manufacturers, the south were obliged to pay for the manufactured goods which they required. One of the first acts of the Southern Congress was to reduce these duties, and, to prove their sincerity, he gave as an instance that Louisiana had given up altogether that

* A similar despatch was addressed on the same day to Earl Cowley.

protection on her sugar which she enjoyed by the legislation of The United States.

As a proof of the riches of the south, he stated that of 350,000,000 dollars of exports of produce to foreign countries, 270,000,000 were furnished by the southern States.

I said that I could hold no official communication with the Delegates of the Southern States. That, however, when the question of recognition came to be formally discussed, there were two points upon which inquiry must be made: first, whether the body seeking recognition could maintain its position as an independent State; secondly, in what manner it was proposed to maintain relations with foreign States.

After speaking at some length on the first of these points, and alluding to the news of the secession of Virginia and other intelligence favourable to their cause, these gentlemen called my attention to the Article in their Constitution prohibiting the Slave Trade.

I said that it was alleged very currently that if the Slave States found that they could not compete successfully with the cotton of other countries, they would revive the Slave Trade for the purpose of diminishing the cost of production. They said this was a suspicion unsupported by any proof. The fact was, that they had prohibited the Slave Trade, and did not mean to revive it. They pointed to the new Tariff of The United States as a proof that British manufactures would be nearly excluded from the north, and freely admitted in the south.

Other observations were made, but not of very great importance. The Delegates concluded by stating that they should remain in London for the present, in the hope that the recognition of the southern Confederacy would not be long delayed.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 35.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, May 15, 1861.

I TRANSMIT to you herewith a copy of a Proclamation which the Queen has been pleased to issue, warning Her Majesty's subjects against taking part in the hostilities which have broken out in The United States.

I have forwarded copies of this Proclamation to Her Majesty's Consuls at the different ports, with instructions to exhibit the same in their respective Consular offices, and to take suitable steps for making known the purport of the same to Her Majesty's subjects residing or entering within their jurisdiction; taking care, however, to do so in the manner best calculated to avoid wounding the

susceptibilities of the authorities or people of the place where they reside.

I am, &c.

Lord Lyons.

J. RUSSELL.

(*Inclosure.*)—BY THE QUEEN.—A PROCLAMATION.

[See Page 165.]

No. 38.—Lord Lyons to Lord J. Russell.—(Received May 17.)

MY LORD,

Washington, May 2, 1861.

MR. SEWARD, the Secretary of State of The United States, sent for me yesterday to the State Department, and told me that he had reason to believe that an iron steamer, the *Peerless*, had been sold to the *de facto* Southern Government, and was on her way out of Lake Ontario to be used as a privateer. He read to me a part of a telegram which stated that the vessel was still at Toronto, and that it was believed she carried the British flag, and had regular British papers.

Mr. Seward proceeded to suggest that perhaps the Governor-General of Canada might be induced to detain the vessel. I said, somewhat doubtfully, that if her papers were in order, and there was no direct proof of her being actually engaged in any unlawful enterprise, the Governor-General might not have legal power to interfere with her. Mr. Seward replied that that might very well be; and, without further allusion to the Canadian authorities, proceeded to read to me a draft of a telegraphic order to the naval officers of The United States to seize the *Peerless*, "under any flag, and with any papers," if they had probable information that she had been sold to the Southern insurgents. He went on to say, "I suppose you will hardly assent to this."

I replied that, far from assenting, I most positively dissented.

Mr. Seward said that if the seizure was effected, it would be upon the responsibility of this Government, who would be prepared for all the consequences which it might entail. He added, however, that the order had not yet been sanctioned by the President; that he was about to go to the Executive Mansion to attend a Cabinet Council: and that he would inform me of the decision which should be come to.

I said to Mr. Seward, "I not only dissent, but I solemnly protest, as Her Majesty's Minister, against any attempt to seize a vessel under the British flag, and with regular British papers."

I was very much grieved, not so much at the particular fact, though that appeared to me very serious, as at the arrogant spirit and disregard of the rights and feelings of foreign nations with which the American Government seemed to be disposed to conduct

the civil war in which they were about to engage. I was most anxious to do all that I could to impress upon Mr. Seward, at the outset, the impolicy and danger of the course upon which he seemed determined to enter. I particularly reminded him of the extreme susceptibility which had at all times been manifested by the Americans themselves on the subject of any interference with vessels under their own flag. I said that even if the *Peerless* should in fact be sold to the seceded States, she could never cause The United States anything like the inconvenience which would follow a deliberate violation of neutral rights. I concluded by repeating my protest.

Mr. Seward said little more in reply than that he would give due weight to the protest, and that nothing would be done without the sanction of the President, whom he was about to see at a Cabinet Council.

I said to Mr. Seward that I begged that when he submitted the proposed order to the President, he would distinctly say that the British Minister solemnly protested against it.

This Mr. Seward promised to do. Seeing that he was evidently anxious to go to the President's house without further delay, I took my leave, merely observing that I should probably feel it my duty to address him in writing on the subject.

As soon as I got home, I wrote a note to Mr. Seward repeating my protest. I sent it to the State Department by Mr. Irvine, Her Majesty's Secretary of Legation. Mr. Seward had already left the Department, but Mr. Irvine delivered my note to the Assistant Secretary of State, who promised to send it in to the Cabinet Council which was sitting at the President's house.

In the evening Mr. Seward sent me a note informing me that notwithstanding my protest, the orders had been issued. I felt it my duty to reply by a note maintaining and repeating the protest.

I have the honour to inclose copies of the notes above mentioned.

I send to-day to the Governor-General copies of the inclosures in this despatch.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure 1.)—Lord Lyons to Mr. Seward.

SIR,

Washington, May 1, 1861.

You have just done me the honour to inform me verbally that you had under consideration the propriety of issuing orders to The United States' naval forces to seize a vessel under British colours and with regular papers, under the suspicion that she had been purchased, for unlawful purposes, by parties in the Southern States.

I at once stated to you several times, and as emphatically as I could, that I solemnly protested against any such seizure. You were good enough to assure me that you would take note of the protest. I think it, however, necessary, in order to cover my own responsibility, to record in writing, without a moment's delay, that a solemn protest was made by Her Britannic Majesty's Minister against such orders before they were issued. I have, &c.

W. H. Seward, Esq.

LYONS.

(*Inclosure 2.*)—*Mr. Seward to Lord Lyons.*

MY LORD,

Washington, May 1, 1861.

THE so-called Confederate States have waged an insurrectionary war against this Government. They are buying, and even seizing, vessels in several places for the purpose of furnishing themselves with a naval force, and they are issuing letters of marque to privateers to be employed in preying upon the commerce of this country.

You are aware that the President has proclaimed a blockade of the ports included within the insurgent States. All these circumstances are known to the world.

The President this morning received information, believed to be authentic, that the iron steamer *Peerless* is in the hands of the enemy on her way out of Lake Ontario, and that she has regular British papers.

Thereupon I did myself the honour to solicit an interview with you. In that interview I suggested that it would be agreeable to the President if the Governor-General of Canada, with or under instructions from you, would direct the vessel to be detained. You did not think that such directions could be given in view of the uncertainties that hang over the matter. I replied that certainly under the circumstances this Government could not require such directions. I further stated, however, that the Government could not tolerate the fitting out and delivery of piratical vessels on the St. Lawrence, and that I should direct the *Peerless* to be seized and detained if The United States' forces should have reliable information that she has been sold, or contracted to be sold, and has been delivered, or is to be delivered to the insurgents to be used against The United States under whatever flag or papers she may bear, and that the parties affected should be referred to this Government.

You thereupon, verbally, protested unequivocally, and without reservation, as your note of this date, now just received, affirms.

I have, nevertheless, and notwithstanding your Lordship's protest, given conditional directions for the seizure of the *Peerless*, in the following words :

"To Commanders of naval or other forces of The United States.

"If you have reliable information that the *Peerless* has been sold, or contracted for, and has been delivered, or is to be delivered to the insurgents to be used against The United States, seize and bring her into port, and detain her there, under whatever flag or papers she may bear, and refer the parties to this Government."

I hardly need to add that this proceeding is taken with no feelings of hostility against the Government of Great Britain. The President feels satisfied that Her Majesty's Government will not think the seizure unnecessary, or unwarrantable, or injurious, if the information upon which it proceeds shall prove to be correct; and, on the other hand, if it shall prove to be incorrect, full satisfaction will be promptly given to the Government of Her Majesty and the parties aggrieved. The British Government will be satisfied that such proceedings are sometimes indispensable when a flag is abused to cover aggressions upon a friendly nation.

I have, &c.

Lord Lyons.

WILLIAM H. SEWARD.

(Inclosure 3.)—Lord Lyons to Mr. Seward.

SIR,

Washington, May 1, 1861.

I LEARN, with deep regret, from a note which I have just had the honour to receive from you, that the Government of The United States has given orders to the commanders of its forces to seize a vessel and bring her into port, and detain her there, "under whatever flag, or whatever papers she may bear."

So far as the British flag and British papers may be affected by this measure, I must, as Her Britannic Majesty's Minister, maintain and repeat the protest which I made to you, both by word of mouth and by written note, before the orders were issued.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 39.—Lord J. Russell to Lord Lyons.

(Extract.)

Foreign Office, May 18, 1861.

HER Majesty's Government approve the course which you took with reference to the declaration made to you by Mr. Seward, as reported in your second despatch of the 2nd instant, in regard to the course which The United States' Government intended to pursue towards the British steamer *Peerless*, suspected to have passed into the possession of the Confederate States, and to be intended to be employed as a privateer against the shipping of the United States.

You were quite right in protesting before-hand against the determination announced by Mr. Seward, that if probable cause of suspicion existed that vessel would be seized, under whatever flag it might be sailing. But Her Majesty's Government, as matters stand, accept the assurance given to you by Mr. Seward, that if the suspicions entertained against the vessel, and on which proceedings might be taken, should prove unfounded, the Government of The United States would be prepared to make suitable reparation for the wrongful act of seizing the vessel.

Lord Lyons.

J. RUSSELL.

No. 41.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, May 21, 1861.

MR. ADAMS came to me at Pembroke Lodge on the 18th instant. After some general conversation, he said he was instructed to ask me for an explanation of the language I had used to Mr. Dallas. The expressions I had employed had been interpreted in The United States as being of an unfriendly tenor, and as intimating a change of policy on the part of Great Britain. He led me to understand that any such change would put an end to his mission, and unfavourably affect the relations of the two countries.

I repeated to Mr. Adams what I had said to Mr. Dallas: that, had a separation taken place between different parts of the American Union in an amicable manner, Her Majesty's Government would still have regretted that a Union of States so famous and so conspicuous for its love of liberty and enlightened progress should have been dissolved. That the opposition made by the Government of The United States to the secession would make us still more averse to take any step to record and recognize that secession. I explained to Mr. Adams, however, that the despatches of Judge Black and Mr. Seward seemed to ask on our part for a perpetual pledge that we would, under no circumstances, recognize the seceding States. I had, therefore, thought it necessary to add that Great Britain must hold herself free to act according to the progress of events and as circumstances might require.

I reminded Mr. Adams that The United States had recognized Don Miguel, the usurper of the Throne of Portugal, and had even intended to acknowledge the Hungarian Republic in 1848, when it was obvious that such a Republic could not endure.

I said, that on the other hand, we had taken no step except that of declaring ourselves neutral, and allowing to the Southern States a belligerent character; that the size and population of the seceding States were so considerable that we could not deny them that character, but that this step implied no recognition nor allowed any

other than an intermediate position on the part of the southern States.

Mr. Adams admitted this, but thought the step we had taken precipitate. He contrasted it with the long period which elapsed between the beginning of the Greek insurrection and our admission of the belligerent character of Greece.

I said that the population of the seceding States amounting to many millions made them of greater importance than Greece in the early days of her independance, and the critical position of our commerce made it necessary to take some step; that we could not call the seceding States rebels, nor take part in the war against them.

Mr. Adams declared he had no wish to see us take part in the war, but he did wish us not to give assistance to the South.

I told him we had no thoughts of doing so; that the sympathies of this country were rather with the North than with the South, but we wished to live on amicable terms with both parties.

I pointed out that the blockade recently instituted, and the designation applied to the privateers of the southern States as pirates, might give rise to difficulties; that, however, the blockade might no doubt be made effective, considering the small number of harbours on the Southern coast, even though the extent of 3,000 miles of coast were comprehended in terms of that blockade.

Mr. Adams said it was by no means the intention of The United States to institute a paper blockade, a measure against which they had always protested.

With regard to privateers and piracy, I said that although general principles might be proclaimed, the putting them into execution might be accompanied with that forbearance and humanity which might be expected from a nation so cognizant of international relations and so advanced in civilization as The United States.

I touched upon the high protective tariff recently enacted, and was assured that it was intended rather for revenue than for protection, and that if it failed in bringing revenue it would not be maintained for the sake of monopoly and restriction.

I told Mr. Adams that I did not wish at present to discuss the causes of the secession or the present state of the conflict; but I assured him that if recognition should ever be in contemplation, I would send to him and allow a full hearing to his exposition of facts and arguments.

I must not omit to state that Mr. Adams, while complaining strongly of our hasty allowance of belligerent rights to the South, expressed throughout a desire on the part of the Government of The United States to live on the most friendly terms with Great Britain.

I had no hesitation in giving reciprocal assurances of goodwill.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 42.—Lord Lyons to Lord J. Russell.—(Received May 26.)

MY LORD,

Washington, May 11, 1861.

I HAVE the honour to inform your Lordship that telegraphic intelligence has reached this place that the Southern Congress has declared war against The United States, and authorized the issue of letters of marque. I have not, however, learned that any letters of marque have yet been actually issued.

I do myself the honour to inclose a copy of a despatch on the subject which I have addressed to Rear-Admiral Sir Alexander Milne.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure.)—Lord Lyons to Rear-Admiral Sir A. Milne.

SIR,

Washington, May 10, 1861.

WITH reference to my despatch of the 27th ultimo, I have the honour to inform you that telegraphic intelligence has reached this place that the Congress sitting at Montgomery, in Alabama, has declared war against The United States, and has authorized the *de facto* Executive Government of the so-called Confederate States to issue letters of marque. I have not, however, learned that any letters of marque have as yet been actually issued.

Considerable alarm has, you are aware, been expressed to me by some of Her Majesty's Consuls, as well as by merchants and others, lest these privateers should be in fact little better than pirates, and should not confine their depredations to United States' vessels. You are much better able than I am to judge how far it is desirable to take measures at once to protect British merchant-vessels from danger. I do not think it advisable, during the short interval which will now elapse before instructions may be received from Her Majesty's Government, to interfere with these privateers solely on the ground that their letters of marque will proceed from a Government not recognized by Her Majesty. But I presume that it would be perfectly justifiable to take any measures whatever concerning them which were clearly necessary for the security of British trade. The United States' Government has, as you know, declared its intention to treat them as pirates. Almost all the ships of which that Government can dispose will be sent to the coasts of the Southern States for the purpose of blockading the ports and capturing the privateers.

I have, &c.

Rear-Admiral Sir A. Milne.

LYONS.

No. 43.—Lord Lyons to Lord J. Russell.—(Received May 26.)
 (Extract.) *Washington, May 11, 1861.*

WITH reference to my despatch of the 22nd ultimo, I have the honour to transmit to your Lordship copies of a despatch and its inclosures which I have received from Governor-General Sir Edmund Head, relative to an interview which his Excellency had had with Mr. Ashman, the agent sent by Mr. Seward to Canada.

Your Lordship is aware that Mr. Seward endeavoured in the first place to conceal from me that he had sent an agent to Canada ; and, secondly, that he refused to give me any information on the subject, even after Mr. Ashman's mission had become so public as to be mentioned in the newspapers.

Lord J. Russell.

LYONS.

(Inclosure.)—Sir E. Head to Lord Lyons.

MY LORD,

Quebec, May 8, 1861.

I HAVE the honour to inclose a copy of a letter addressed by me to Mr. Samuel G. Ward, and a copy of his answer on the subject of Mr. Ashman's visit to this province.

Mr. Ashman has this day visited me, and, in the presence of M. Cartier and M. Vankoughnet, members of my Councils, he informed me that he was requested by the Secretary of State, Mr. Seward, to visit Canada, for the purpose of explaining the true position of The United States in the present crisis of their affairs.

I distinctly informed him that I have no authority to recognize him or any other person as the agent of The United States' Government, or to communicate with him in that capacity ; that all official intercourse between the Government of The United States and that of a British colony must pass through Her Majesty's accredited Representative at Washington.

Mr. Ashman replied that he was not accredited in any way to this Government, or authorized to make any communications to me, but that it was supposed that good might be done by explaining the true position of affairs, as agents for the Southern States were said to be buying up arms, &c.

I replied that I had no wish to fetter his intercourse with any one, but that I might have a doubt in my own mind whether it was altogether a regular or usual mode of proceeding on the part of any Government to request a person to visit another country on a mission of this kind. Nothing could be more candid or straightforward than Mr. Ashman was. He said he would talk to no one, and return at once if I desired him to do so. I replied, no, I would make no such request. He could talk to whom he pleased ;

we had nothing to conceal nor any desire to impede his intercourse with anybody.

I have, &c.

Lord Lyons.

EDMUND HEAD.

*No. 45.—Lord J. Russell to the Lords Commissioners of the Admiralty.**

MY LORDS,

Foreign Office, June 1, 1861.

HER Majesty's Government are, as you are aware, desirous of observing the strictest neutrality in the contest which appears to be imminent between The United States and the so-styled Confederate States of North America; and with the view more effectually to carry out this principle, they propose to interdict the armed ships and also the privateers of both parties from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or any of Her Majesty's colonies or possessions abroad.

I have accordingly to acquaint your Lordship that the Queen has been pleased to direct that orders in conformity with the principles above stated should forthwith be addressed to all proper authorities in the United Kingdom, and to Her Majesty's naval and other authorities in all quarters beyond the United Kingdom, for their guidance in the circumstances.

I am, &c.

The Lords Commissioners of the Admiralty.

J. RUSSELL.

No. 51.—Circular to Collectors, Surveyors, and other Officers of the Customs on the Northern and North-Western Waters of The United States, respecting Vessels attempting to carry Munitions of War to seceded States.

Treasury Department, May 2, 1861.

ON the 19th day of April, 1861,† the President of The United States, by Proclamation, declared the ports of South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, under blockade; and on the 27th of the same month, by another Proclamation, declared the ports of Virginia and North Carolina also under blockade, since which Proclamation this department has received reliable information that attempts are frequently made to furnish arms and munitions of war, provisions, and other supplies to persons and parties in those States in open insurrection against the constitutional authorities of the Union.

It becomes my duty, therefore, to instruct you to cause a careful examination to be made of the manifests of all steam or other vessels departing from your port with cargoes whose ultimate destination you have satisfactory reason to believe is for any port or place under the control of such insurrectionary parties, and to compare the same with the cargo on board; and if any such mani-

* Similar letters were addressed to the Colonial, War, and India Offices.

† Page 185.

fects be found to embrace any articles of the description before mentioned, or any such articles be found to constitute part of the cargo, you will take all necessary and proper means to prevent the departure of the vessel, and to detain the same in your custody until all such articles shall be removed therefrom, and for further proceedings according to law.

You will also make a careful examination of all flat-boats and water-craft without manifests, and of railroad cars and other vehicles arriving at or leaving your port laden with merchandize, the ultimate destination of which you have good reason to believe is for any port or place under insurrectionary control; and if arms, munitions of war, provisions, or other supplies are found, having such destination, you will seize and detain the same to await the proper legal proceedings for confiscation or forfeiture.

In carrying out these instructions, you will bear in mind that all persons or parties in armed insurrection against the Union, however such persons or parties may be organized or named, are engaged in levying war against The United States; and that all persons furnishing to such insurgents arms, munitions of war, provisions, or other supplies, are giving them aid and comfort, and so guilty of treason within the terms of the second section of Article III of the Constitution; and you will, therefore, use your utmost vigilance, and endeavour to prevent the prohibited shipments, and to detect and bring to punishment all who are in any way concerned in furnishing to such insurgents any of the articles above described.

You will, however, on the other hand, be careful not to interrupt vexatiously, or beyond necessity, by unwarranted or protracted detentions and examinations, the regular and lawful commerce of your port. You will report forthwith whether any, and if any, what additional measures may be necessary, in your judgment, to carry into full effect the foregoing resolutions, and you will report to this department from time to time your action under these instructions.

I am, &c.

S. P. CHASE, *Secretary to the Treasury.*

Newspaper Extracts.—From the "National Intelligencer."

THE Secretary of the Treasury has just issued a circular to all collectors, surveyors, and other officers of Customs, precisely similar to that recently addressed to those on the northern and north-western waters, in relation to commerce with the insurrectionary States, and with the following addition:

"Among the prohibited supplies are included coals, telegraph instruments, wire, porous cups, platina, sulphuric acids, zinc, and all other telegraphic material."

From the "National Republican."

The following articles have been officially declared as coming under the head of "contraband of war," by the Administration :

"Gold and silver coin; cheques or bills of exchange for money; articles of food; clothing and materials for the manufacture of clothing; rifle, pistol, musket, and cannon balls, and shells; gunpowder, and all materials used in its manufacture; ammunition and munitions and implements of war of every description; books of military education; saddles, harness, and trappings for flying artillery, field and staff officers, and cavalry troops; horses; gun-carriages; timber for ship-building; all kinds of naval stores; engines, boilers, and machinery for boats, locomotive engines and cars for railroads; and goods and commodities which might be useful to the enemy in war."

From the "Baltimore Sun."

The Secretary of the Treasury has specially explained what is meant by the words "other supplies" in the enumeration of articles contraband of war, contained in his circular dated May 2nd, addressed to collectors and other officers of Customs. They mean:—Mercury in all its compounds, chlorate of potash, muriatic acid, chloride of potash, nitrate of soda, chloride of potassium, potash and pearlash, bagging, rope, and nitric acid (the last-named could be used for the manufacture of gun-cotton).

No. 52.—Lord J. Russell to Lord Lyons.

(Extract.)

Foreign Office, June 21, 1861.

I HAVE to state to your Lordship that I have every reason to be satisfied with the language and conduct of Mr. Adams since he has arrived in this country.

The only complaint which he has urged here is, that the Queen's Proclamation announcing her neutrality was hasty and premature.

I said, in the first place, that our position was of necessity one of neutrality; that we could not take part either for the North against the South, or for the South against the North.

To this he willingly assented, and said that The United States expected no assistance from us to enable their Government to finish the war.

I rejoined, that if such was the case, as I supposed, it would not have been right either towards our Admirals and naval commanders nor towards our merchants and mercantile marine, to leave them without positive and public orders: that the exercise of belligerent

rights of search and capture by a band of adventurers clustered in some small island in the Greek Archipelago or in the Atlantic would subject them to the penalties of piracy; but we could not treat 5,000,000 of men who had declared their independence like a band of marauders or filibusters. If we had done so we should have done more than The United States themselves. Their troops had taken prisoners many of the adherents of the Confederacy, but I could not perceive from the newspapers that in any case they had brought these prisoners to trial for high treason, or shot them as rebels. Had we hung the captain of an armed vessel of the Southern Confederacy as a pirate we should have done that which a sense of humanity had prohibited on the part of the Government itself whose authority was set at defiance. We surely could not be expected to go beyond The United States' Government themselves in measures of severity.

I had quoted in the House of Commons the case of the Turks and Greeks in order to avail myself of the sound maxim of policy enunciated by Mr. Canning, that the question of belligerent rights is one, not of principle, but of fact; that the size and strength of the party contending against a Government, and not the goodness of their cause, entitle them to the character and treatment of belligerents.

I added, that the case quoted by me had been objected to, as if I had compared The United States to Turkey and the Southern Confederacy to Greeks.

As well might it be said, if any one were to cite the case of Mr. Wilkes in an argument on general warrants, that the case was not applicable because the character of Mr. Wilkes was not entitled to our sympathy or respect.

Mr. Adams maintained that, practically, the so-called Confederate States had no ships of war at sea, and therefore the Royal Proclamation was unnecessary.

The United States' Minister at Paris has made propositions to the Imperial Government founded on the answer of Mr. Marcy to the request formerly made to him to adopt, on the part of his Government, the Declaration of Paris.

The Government of the Emperor entirely concur with Her Majesty's Government in the opinion that these propositions ought to be rejected.

When I asked Mr. Adams whether he had similar propositions to make to Her Majesty's Government, he informed me that he had no instructions to do so.

Lord Lyons.

J. RUSSELL.

*No. 53.—Act passed by the Confederate Congress, prohibiting the Exportation of Cotton except through Southern Seaports, May 21.**

SEC. I. The Congress of the Confederate States of America do enact that, from and after the 1st day of June next, and during the existence of the blockade of any of the ports of the Confederate States of America by the Government of The United States, it shall not be lawful for any person to export any raw cotton or cotton yarn from the Confederate States of America, except through the seaports of the said Confederate States; and it shall be the duty of all the marshals and revenue officers of the said Confederate States to prevent all violations of this Act.

II. If any person shall violate, or attempt to violate or evade, the provisions of the foregoing section, he shall forfeit all the cotton or cotton yarn thus attempted to be illegally exported, for the use of the Confederate States; and in addition thereto, he shall be guilty of a misdemeanour, and on conviction thereof shall be fined in a sum not exceeding 5,000 dollars, or else imprisoned in some public jail or penitentiary for a period not exceeding 6 months, at the discretion of the Court, after a conviction upon trial by a court of competent jurisdiction.

III. Any person informing as to a violation or attempt to violate the provisions of this Act shall be entitled to one-half the proceeds of the article forfeited by reason of his information.

IV. Any justice of the peace, on information under oath from any person of a violation or attempt to violate this Act, may issue his warrant, and cause the cotton or cotton yarn specified in the affidavit to be seized and retained until an investigation can be had before the court of the Confederate States.

V. Every steamboat or railroad-car which shall be used, with the consent of the owner or person having the same in charge, for the purpose of violating this Act, shall be forfeited in like manner to the use of the Confederate States. But nothing in this Act shall be so construed as to prohibit the exportation to Mexico, through its conterminous frontier.

No. 54.—Lord Lyons to Mr. Seward.

SIR,

Washington, June 5, 1861.

I HAVE the honour to transmit to you herewith a copy of a despatch which I have received to-day from Her Majesty's Consul at New York, and by which I am requested to apply to the Government of The United States for the release of the cargo of the *Winifred*, a barque now held as a prize at New York.

The brig is stated to belong to Richmond, in Virginia, to have arrived off Cape Henry from Rio, on the 25th ultimo, in ignorance

* From the "Mobile Register," and "Baltimore Sun" of June 5, 1861.

of the blockade, and to have been captured by The United States' squadron, in consequence of being a Southern vessel.

It appears that the British firm of J. L. Phipps and Co. are owners of part of the cargo and have an interest in the whole of it.

I have the honour to inclose the original affidavits made by the master of the *Winifred*, and by Mr. Holworthy, one of the partners of the firm of Phipps and Co., and I beg leave to express my hope that the fact stated may induce the Government of The United States to order the release of the cargo.

I shall be much obliged if you will be so good as to return the original affidavits to me.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 54.—*Mr. Seward to Lord Lyons.*

MY LORD,

Washington, June 8, 1861.

I HAVE the honour to acknowledge the receipt of your note of the 5th instant, with the accompanying papers, relative to a claim in the case of the cargo of the barque *Winifred*, a part of which is represented to belong to British subjects.

In reply, I regret that at this juncture I do not feel at liberty to interfere in the case, as it is understood that the usual proceedings in the Prize Court at New York have been set on foot against the vessel.

If, however, that court shall be satisfied of the ownership by British subjects of the part of the cargo claimed, it cannot be doubted that restitution will be decreed, as this Government recognizes the right of the property of a friendly nation in the vessels of an insurgent to be exempt from condemnation.

The papers which accompanied your note are herewith returned.

I have, &c.

Lord Lyons.

WILLIAM H. SEWARD.

No. 55.—*Lord J. Russell to Lord Lyons.*

(Extract.)

Foreign Office, June 29, 1861.

MR. ADAMS called upon me yesterday by appointment; the immediate purport of his visit was to inquire what course the Government would pursue in respect to a merchant-vessel called the *Peter Marcy*, which had arrived here carrying the flag of the so-called Confederate States, and was now lying in the Victoria Dock in the port of London.

He wished to inquire especially with regard to the clearance outwards of this vessel, as that clearance, if made to a vessel belonging to those whom his Government and he regarded as rebels, might be looked upon as a sort of recognition.

I replied that I knew nothing of this particular case; that however, in contemplation of such a case, we had some time ago called upon the Law Officers of the Crown for an opinion; that they had said that, in point of law, the flag a vessel might bear was immaterial; that in the present case, and in all others, Her Majesty's Government would adhere strictly to the law, and I conceived that course was the one most likely to afford a solution of the difficult questions which might from time to time arise, and perhaps threaten to disturb the friendly relations of the two countries.

In the course of the morning I made the inquiries I had promised, and the result was the letters of which I inclose copies. You will see that our law takes no notice of the authorities ruling, whether *de jure* or *de facto*, in the country from which the vessel proceeds, or to which it may be bound in its outward voyage.

On my side I spoke to Mr. Adams of the Republic of New Granada, which had by Decree closed certain ports, and I said that the legal advice we had received was to the effect that any capture on the high seas made on the ground that certain ports were in the hands of insurgents would be contrary to the law of nations.

That I did not suppose the enactment of a law closing the southern ports would be proposed by the Government of The United States, but it was possible that in the prevailing heats and animosities such a law might be proposed by some private member of Congress.

Mr. Adams seemed to think that the enactment of such a law would be resisted as contrary to the Constitution of The United States.

I contented myself with repeating that a strict adherence to the law, whether the law of nations or the municipal law, would be the best method of preserving friendly relations.

I was afterwards informed by the New Granadian Minister that no intention was entertained of applying the decree to which I have here referred, to vessels found on the high seas; it was, he stated, solely applicable to duties of Customs payable in the interior.

Lord Lyons.

J. RUSSELL.

(Inclosure.)—*The Commissioners of Customs to the Lords Commissioners of the Treasury.*

MY LORDS,

Custom-House, June 28, 1861.

YOUR Lordships having referred to us the annexed letter from Mr. Murray, stating that Lord John Russell has been informed by The United States' Minister at this Court that a vessel called the *Peter Marcy* is now lying in the Victoria Docks, and is provided with a register from the so styled Confederate States, and signifying

the request of his Lordship that inquiry may be made at the Custom-House respecting this vessel and her papers, and in what manner it is proposed by the Customs to treat her in regard to clearance, we report :

That by the Customs Consolidation Act, 1853, the masters of vessels are required (Section L), upon reporting inwards, to state whether the vessel is "British or foreign," if British, "the port of registry, if foreign, the country to which she belongs;" and upon clearing outwards (Section CXLI), in like manner to state "if British, the port of registry, if foreign, the country:" but neither upon the arrival of a vessel, nor upon her departure, are her papers required to be produced to the officers of Customs.

The entry of a ship, as of America, is quite sufficient to meet the Customs laws; if, however, the master merely stated the town or portion of the country to which she belonged, the Revenue officers would receive the report, and enter in the records the name of the state in which the town or district was situated.

We have further to state that the vessel *Peter Marcy* was reported inwards on the 24th instant, as of New Orleans in America, and a similar description would be accepted by our officers on her clearance, and the production of her register would not be required.

We have, &c.

*The Lords Commissioners of
the Treasury.*

THOS. F. FREMANTLE.
J. GOULBURN.

No. 57.—Lord Lyons to Lord J. Russell.—(Received June 30.)

MY LORD,

Washington, June 17, 1861.

IN the course of a conversation which I had with Mr. Seward this morning, he himself introduced the subject of the secret agent whom he sent to Canada in April last. He said that Mr. Ashman, the person sent, was a most respectable man, and that the object of his mission was to ascertain the feeling in Canada with regard to fitting out privateers on the St. Lawrence. Mr. Seward added that as soon as I had spoken to him on the subject, he had recalled Mr. Ashman.

I did not enter into any discussion with Mr. Seward, but, in obedience to the instruction contained in your Lordship's despatch of the 16th ultimo, I said that Her Majesty's Government considered that they had reason to complain that no previous notice had been given to me of the intention to dispatch Mr. Ashman; and that no frank explanation had been given in reply to the inquiry which I had made. I added that I was directed not to conceal from Mr. Seward the unfavourable impression which the transaction had made on Her Majesty's Government.

I have, &c.

Lord J. Russell.

LYONS.

No. 60.—Circular addressed to the Collectors of Customs in The United States' Ports prohibiting Export of Merchandize for Seceded States.

SIR, *Treasury Department, June 12, 1861.*

REFERRING to the circular instructions of the 2nd ultimo,* prohibiting the transmission of munitions of war, provisions, or other supplies, to parties in insurrection against The United States, you are now further instructed to exercise the utmost vigilance in arresting and detaining all merchandize, of whatever character, the ultimate destination of which you have satisfactory reason to believe is for insurgents against The United States, or for places under their control.

If you are satisfied, either from the nature of the articles or otherwise, that any merchandize, wherever destined in name, is, in fact, destined for persons or combinations in actual insurrection against the Government of The United States, you will cause the same to be seized and proceeded against for forfeiture.

If, however, you are satisfied that any merchandise transmitted for States or places under insurrectionary control is not intended for actual insurgents, and has been shipped or forwarded without intent to afford aid and comfort to such insurgents, or otherwise to violate the law, you will simply detain such merchandize, and notify the shippers or forwarders, or their agents, of such detention, and state the cause thereof. If such shipper or forwarder, personally, or by agent, shall satisfy you that the merchandize so arrested will not be sent to any place under insurrectionary control, but will be either returned whence it came, or be disposed of in good faith for consumption within loyal States, you will restore possession of the same, and allow such disposition thereof to be made as the parties in interest may desire.

You will regard all States in which the authority of The United States is temporarily subverted as under insurrectionary control; but any portions of such States in which the laws of the Union and the authority of the Federal Government are acknowledged and respected will be considered as exempt from any interruption of commerce or intercourse, beyond such as may be necessary in order to prevent supplies going to insurgents or to places under their control.

It is the intention of the Department to leave the owners of all property perfectly free to control it in such manner as they see fit, without interference or detention by officers of the Federal Government, except for the purpose of preventing any use or disposal of such property for the aid and comfort of insurgents, or in commerce with States or places controlled by insurgents.

S. P. CHASE, *Secretary of the Treasury.*

No. 61.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, July 19, 1861.

I HAVE read with great interest the decision of Judge Dunlop pronounced in the District Court of Columbia on the 19th of June, in the case of the *Tropic Wind* schooner.

The general principles laid down in this case are well deserving of attention. The Judge quotes several cases decided in the American Courts, with a view to justify the conclusions at which he ultimately arrives.

In the first place, he cites the case of the *Santissima Trinidad* in the war between Spain and one of her American provinces. The Court, while refusing to pronounce upon the right of sovereignty in the insurgent province, observes that the Court, following the Executive Department, have merely declared the notorious fact "that civil war exists between Spain and her American provinces." The Court adds, "It would be a public and not a civil war if they were sovereign States. The very object of the contest is to decide whether they shall be sovereign and independent or not. All that the Court has affirmed is, that the existence of this civil war gave to both parties all the rights of war against each other."

The Judge then affirms that the question whether insurrection has culminated in civil war belongs to the political branch of the Government to determine.

Judge Dunlop proceeds to argue that the proclamation of President Lincoln, declaring that "nine States have resisted," that orders have been given to issue letters of marque in the South; that the President on his side has called out 75,000 men—show a state of civil war.

"These facts so set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists."

Proceeding in his argument, the Judge says, "I do not find, on examination of the writers on public law, any difference as to belligerent rights in civil or foreign war; and Judge Storey, in 7th Wheaton, as heretofore cited by me, says they are the same. Blockade being one of the rights incident to a state of war, and the President having, in substance, asserted civil war to exist, I am of opinion that the blockade was lawfully proclaimed by the Executive."

It is a question for American Courts to decide whether this power lawfully belongs to the President. But Her Majesty's Government cannot fail to remark the general principles laid down by an American judge and founded on American authorities bearing on the present state of affairs.

Her Majesty's Government admit that a civil war exists ; they admit that whether the Confederate States of the South be sovereign and independent States or not, is the very point to be decided ; but Her Majesty's Government affirm, as The United States affirmed in the case of the South American provinces, that "the existence of this civil war gives to both parties the rights of war against each other."

Arguing from these premises, it is impossible for Her Majesty's Government to admit that the President or Congress of The United States can at one and the same time exercise the belligerent rights of blockade, and the municipal right of closing the ports of the South.

In the present case, Her Majesty's Government do not intend to dispute the right of blockade on the part of The United States with regard to ports in the possession of the Confederate States ; but an assumed right to close any ports in the hands of insurgents would imply a right to stop vessels on the high seas without instituting an effective blockade.

This would be a manifest evasion of the necessity of blockade in order to close an enemy's port. Neutral vessels would be excluded when no force exists in the neighbourhood of the port sufficient to carry that exclusion into effect.

Maritime nations would not submit to this excess under pretence of the rights of sovereignty.

Whether, indeed, The United States treat the southern prisoners in their hands as rebels or as prisoners of war is not a matter in which foreign countries can properly interfere. But Her Majesty's Government cannot allow the Queen's subjects to be deprived of any of the rights of neutrals. They would consider a decree closing the ports of the south actually in the possession of the insurgent or Confederate States as null and void, and they would not submit to measures taken on the high seas in pursuance of such decree.

You will concert with M. Mercier as to the best mode of communicating this decision to the President and to the Secretary of State of The United States. You will express strongly to Mr. Seward the wish of Her Majesty's Government to maintain the relations of amity with The United States. But at all events you will take care not to leave him in ignorance of the decision of Her Majesty's Government.

I am, &c.

Lord Lyons.

J. RUSSELL,

(Inclosure.)—*Judicial Decision on the Blockade of United States' Ports by Judge Dunlop.*—June 13, 1861.

District Court of The United States for the District of Columbia.

Before DUNLOP, J.

United States *et al v.* schooner *Tropic Wind* and cargo. June Term, 1861. In Admiralty.

In this case, on the 17th instant, Judge Dunlop delivered the following decision :

A libel has been filed by The United States and the captors in this Court, sitting in Admiralty, to condemn as prize the English schooner *Tropic Wind* and cargo, valued at 22,000 dollars, for violating a blockade of the ports of Virginia, proclaimed by the President of The United States on the 27th of April, 1861.

The capture was made in or near the mouth of James River, by The United States' ship *Monticello*, Captain _____, on the 21st May, 1861. The blockade of the port of Richmond, Virginia, into which port the *Tropic Wind* had entered before the proclamation, is alleged to have been made effective on the 30th April, and notice of it brought home to the Captain of the *Tropic Wind* and the British Consul at Richmond, at least as early as the 2nd of May. Fifteen days were allowed by The United States to neutral vessels to leave the blockaded ports of Richmond from the 30th April, the day of the effective blockade.

It appears that the *Tropic Wind* commenced to load her cargo at Richmond, Virginia, on the 13th of May, completed her lading on the 14th May, and sailed from Richmond the same day bound for Halifax, Nova Scotia.

Mr. Carlisle appeared for the vessel and cargo, filed the answer of Captain Layton, and the case has been argued and submitted to me on the libel, answer, evidence taken, in *preparatoria*, and official documents.

The authority of the President to institute the blockade is denied by the respondents, who insist that this power, under the Constitution of The United States, can only be exercised by the National Legislature. And this is the first question to be considered.

It is true no department of the Federal Government can exercise any power not expressly conferred on it by the Constitution of The United States, or necessary to give effect to granted powers ; all others are reserved to the States respectively, or to the people. In Article II, section 2, of the Constitution of The United States, is this provision : " The President shall be Commander-in-chief, of the Army and Navy of The United States, and of the Militia of the several States when called into the actual service of The United States."

In the war with Mexico, declared by Congress to exist by the

Act of Mexico (see 9th Statute at Large, page 9), the Supreme Court have maintained, in two cases, that the President, without any act of Congress, as Commander-in-chief of the Army and Navy, could exert the belligerent right of levying contributions on the enemy to annoy and weaken him. In the case of *Fleming et al. v. Page* (9th Howard, 615), the present Chief Justice says: "As Commander-in-chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy." Again, at page 616: "The person who acted in the character of collector in this instance acted as such under the authority of the military commander and in obedience to his orders, and the duties he exacted, and the regulations he adopted, were not those prescribed by law, but by the President in his character of Commander-in-chief. The Custom-house was established in an enemy's country as one of the weapons of war. It was established not for the purpose of giving the people of Tamaulipas the benefit of commerce with The United States or with other countries, but as a measure of hostility and as a part of the military operations in Mexico; it was a mode of exacting contributions from the enemy to support our army, and intended also to cripple the resources of Mexico and make it feel the evils and the burdens of the war. The duties required to be paid were regulated with this view, and were nothing more than contributions levied upon the enemy, which the usages of war justify when an army is operating in the enemy's country."

The other case to which I allude is *Cross et al v. Harrison* (16th Howard, 189, 190). Judge Wayne, in delivering the opinion of the Supreme Court, says: "Indeed, from the letter of the Secretary of State and from that of the Secretary of the Treasury, we cannot doubt that the action of the Military Governor of California was recognized allowable and lawful by Mr. Polk and his Cabinet. We think it was a rightful and correct recognition, under all the circumstances; and when we say rightful we mean that it was Constitutional, although Congress had not passed an Act to extend the collection of tonnage and import duties to the ports of California. California, or the port of San Francisco, had been conquered by the arms of The United States as early as 1846. Shortly afterwards, The United States had military possession of all the Upper California. Early in 1847 the President, as Constitutional Commander-in-chief of the Army and Navy, authorized the Military and Naval Commanders of our forces in California to exercise the belligerent rights of a conqueror, and to form a Civil Government for the conquered country, and to impose duties on imports and tonnage as military contributions for the support of the Government and of the army

which had the conquest in possession, &c. No one can doubt that these orders of the President, and the action of our army and navy commanders in California in conformity with them, was according to the law of arms," &c. (See also pages 191, 193, 195, 196, 201.)

Blockade is a belligerent right under the law of nations where war exists, and is as clearly defined as the belligerent right to levy contributions in the enemy's country. As the Supreme Court hold the latter power to be constitutionally in the President, without an Act of Congress, as Commander-in-chief of the Army and Navy, it follows necessarily that the power of blockade also resides with him; indeed, it would seem a clearer right, if possible, because, as Chief of the Navy, nobody can doubt the right of its Commander to order a fleet or a ship to capture an enemy's vessel at sea, or to bombard a fortress on shore, and it is only another mode of assault and injury to the same enemy to shut up his harbours and close his trade by the same ship or fleet. The same weapons are used. The Commander only varies the mode of attack.

In Article 1, section 8, clause 11 of the Constitution, under the legislative head, power is granted to Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." These powers are therefore solely confided to and within the control of the Legislature, and cannot be exercised by the President. The President cannot declare war, grant letters of marque, &c., though all other belligerent rights, arising out of a state of war, are vested in him as Commander-in-chief of the Army and Navy. But war declared by Congress is not the only war within the contemplation of the Constitution. In clause 15, Article I, section 8, among the legislative Powers is this "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" and the Legislature, in execution of this power, passed the Act of 1795 (1st Statutes at Large, 424), vesting in the President, under the terms set forth in the Statute, discretionary power over the militia in the cases enumerated in this 15th clause of section 8, Article 1. The status of foreign nations whose provinces or dependencies are in revolution, foreign invasion of our country, and insurrection at home, are political questions determinable by the Executive branch of our Government. I refer on this subject to the following cases in the Supreme Court of The United States. The "*Santissima Trinidad*" (7th Wheaton, 305):

"This Court has repeatedly decided that it will not undertake to determine who are sovereign States, but will leave that question to be settled by the other Departments who are charged with the external affairs of the country, and the relations of peace and war,

[1860-61. LI.]

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It may, however, be said that both the Judiciary and the Executive have concurred in affirming the sovereignty of the Spanish colonies now in revolt against the mother-country. But the obvious answer to this objection is, that the court, following the Executive department, have merely declared the notorious fact that a civil war exists between Spain and her American provinces; and this, so far from affirming, is a denial of the sovereignty of the latter. It would be a public, and not a civil, war if they were sovereign States. The very object of the contest is to decide whether they shall be sovereign and independent or not; all that the court has affirmed is, that the existence of this civil war gave to both parties all the rights of war against each other."

In cases of invasion by a foreign Power, or insurrection at home, in which cases, under the Act of 1795, the President may call out the militia, the Supreme Court, in 12 $\frac{1}{4}$ Wheaton (case of *Martin v. Mott*), pages 29, 30, says it is exclusively with the President to decide whether the exigencies provided for have arisen. These also are political questions, determinable by the Executive alone, and the courts follow that branch of the Government. In this case, at page 32, the Supreme Court say: "It is no answer that such a power may be abused, for there is no power which is not susceptible of abuse. The remedy for this, as well as for all other official misconduct, if it should occur, is to be found in the Constitution itself."

Whether insurrection has grown to such a head, has become so formidable in power as to have culminated in civil war, it seems to me, must also belong, as to its decision, to the same political branch of the Government. The President, in his Proclamation relating to the blockade of the ports of the Confederate States, calling out 75,000 militia to suppress insurrection and the resistance to the Federal laws, alleges, "that nine States have so resisted," and have "threatened to issue letters of marque, to authorize the bearers thereof to commit assaults against the vessels, property, and lives of citizens engaged in commerce on the high seas and in the waters of The United States; that public property of The United States has been seized, the collection of the revenue obstructed, and duly commissioned officers of The United States, while engaged in executing the orders of their superiors, have been arrested and held in custody as prisoners, or have been impeded in the discharge of their official duties, without due legal process, by persons claiming to act under authorities of the States of Virginia and North Carolina, an efficient blockade of the ports of those States will also be established."

These facts, so set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists.

Blockade itself is a belligerent right, and can only legally have

place in a state of war; and the notorious fact that immense armies in our immediate view are in hostile array against each other in the Federal and Confederate States, the latter having organized a Government, and elected officers to administer it, attest the executive declaration that civil war exists; a sad war, which, if it must go on, can only be governed by the laws of war, and its evils mitigated by the principles of clemency engrafted upon the war code by the civilization of modern times.

Nor does the assertion of the right in the Proclamation of the 19th April, 1861, to proceed against privateersmen, under the laws of The United States, as pirates, militate against the construction I have above given of the two Proclamations as averring the existence of civil war.

In the case of *Rose v. Himely* (4th Branch, 272-3), Chief Justice Marshall, in delivering the opinion of the court says: "It is not intended to say that belligerent rights may not be superadded to those of sovereignty. But admitting a sovereign who is endeavouring to reduce his revolted subjects to obedience, to possess both sovereign and belligerent rights, and to be capable of acting in either character, the manner in which he acts must determine the character of the act. If as a legislator he publishes a law ordaining punishments for certain offences, which law is to be applied by courts, the nature of the law and the proceedings under it will decide whether it is an exercise of belligerent rights, or exclusively of his sovereign power; and whether the court, in applying this law to particular cases, acts as a prize court, or as a court enforcing municipal regulations."

In this case I am sitting in Admiralty adjudging a question of prize, under a capture for alleged violation of blockade.

I do not find, on examination of the writers on public law, any difference as to belligerent rights in civil or foreign war, and Judge Story, in 7th Wheaton, as heretofore cited by me, says they are the same. Blockade being one of the rights incident to a state of war, and the President having in substance asserted civil war to exist, I am of opinion that the blockade was lawfully proclaimed by the Executive.

The next inquiry is, when did the blockade become effective, and as such come to the knowledge or the respondents of their Government? Notice, actual or constructive, will do. In the present case, Flag-Officer Pendergrast, commanding the home squadron, officially announced the blockade of the ports of Virginia, whose outlet was Hampton Roads, as effective on the 30th April, 1861, and the Secretary of the Navy, in his letter of the 9th May, 1861, states, this notice was sent to the Baltimore and Norfolk papers, and by one or more of them published. In a certificate of the British

Consul at Richmond, dated 14th of May, 1861, found on board the *Tropic Wind* at the time of her capture, he states he had received an authoritative communication of the 11th May, which he immediately communicated to the captains of British merchant-vessels and others interested in British trade, that 15 days would be allowed to leave port after the actual commencement of the blockade, with or without cargoes, "and whether the cargoes were shipped before or after the commencement of the blockade;" and that upon inquiry he found the 2nd of May, 1861, to be the day when the efficient blockade began.

There does not appear in the cause any evidence to show that The United States' Government agreed to relax the law of blockade, so as to allow British vessels to load cargoes and come out of port after knowledge of effective blockade was brought home to them.

The letter of Mr. Welles to Mr. Seward, dated 9th May, 1861, in answer to inquiries of Lord Lyons, relative to British vessels in Virginian ports, and the operation of the blockade upon them, &c., and which, it must be presumed, was sent to Lord Lyons, does not contain the relaxation of the law of blockade referred to in the British Consul's certificate of the 14th May, 1861; by which I mean that it contains no permission to British vessels to come out of port within 15 days, with cargoes laden on board, after notice of commencement of effective blockade. I give an extract of that letter of the 9th May, 1861 :

"15 days have been specified as a limit for neutrals to leave the ports after actual blockade has commenced, with or without cargo, and there are yet remaining 5 or 6 days for neutrals to leave; with proper diligence on the part of the persons interested, I see no reason for exemption to any."

It also appears in the evidence of the master, Layton, that he heard in Richmond of the blockade as effective before he began to load his cargo, and was informed it commenced on the 2nd of May.

All the testimony concurs in showing that the cargo was laden on board the *Tropic Wind* on the 13th and 14th days of May, 1861. No principle of prize law seems better settled than that such lading violates the blockade, and forfeits both vessel and cargo. In "Weldman on Search, Capture and Prizes," page 42:—The act of egress is "as culpable as the act of ingress; and a blockade is just as much violated by a ship passing outwards as inwards. A blockade is intended to suspend the entire commerce of the place, and a neutral is no more at liberty to assist the traffic of exportation than of importation. The utmost that can be allowed to a neutral vessel is, that, having already taken in a cargo before the blockade begins, she may be at liberty to retire with it. If she afterwards takes on

board a cargo, it is a fraudulent act, and a violation of the blockade. It is lawful for a ship to withdraw from a blockaded port, in ballast, or with a cargo shipped *bond fide* before notice of the blockade." (See also *Vrouw Judith*, Robinson, 150; the *Juno*, 2nd Robinson, 119; the *Nossa Senhora*, 5th Robinson, 52.)

In Weldman's "International Law," vol. ii, page 205, we find this passage:

"Where the blockade is known at the port of shipment, the master becomes an agent for the cargo; in such case the owners must at all events answer to the country imposing the blockade for the acts of persons employed by them; otherwise, by sacrificing the ship, there would be a ready escape for the cargo, for the benefit of which the fund was intended." (See also the *James Cook*, Edwards, 261; the *Arthur*, Edwards, 202; the *Exchange*, Edwards, 40; 1st Kent Commentaries, second edition, 144, 146; *Olivera v. Union Insurance Company*, 3rd Wheaton, Supreme Court, Report, 194. See also Wheaton's note to the same case.)

It follows, upon the case as it now stands, there must be condemnation of both vessel and cargo.

JAMES DUNLOP.

June 17, 1861.

N.B.—After I had written this opinion on the proofs and papers then before me, but before it was known or copied, I was requested by Mr. Carlisle, by note of the 14th, to ask of the State Department the whole correspondence, a part of which only was in the cause; and on Saturday evening, the 15th June, the document A was handed to me. I have formed no opinion of the influence this further correspondence has on the legal aspect of the case; and as the parties concerned on both sides have had no opportunity to see or comment upon it, and may wish further proof as to the relaxation by The United States of the strict law of blockade, I will allow further proof to be taken by either party on this single point, and postpone any decision till the proof is in, and the counsel on both sides heard. This course is, I believe, consonant with prize practice.

JAMES DUNLOP.

No. 63.—*An Act "further to provide for the Collection of Duties on Imports, and for other purposes."*—July 12, 1861.

BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that whenever it shall in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of The United States, become impracticable to execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any

port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at port of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. And be it further enacted, that if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the Custom House for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: provided, that if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district in The United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: and provided further, that the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

3. And be it further enacted, that it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the Customs, unless by process of some court of The United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the Customs, it

shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of The United States, or such force of citizen volunteers as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the Customs in retaining the custody thereof.

4. And be it further enacted, that if, in the judgment of the President, from the cause mentioned in the first section of this Act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing sections of this Act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond The United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to The United States.

5. And be it further enacted, that whenever the President, in pursuance of the provisions of the second section of the Act entitled "An Act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the Act now in force for that purpose," approved February 28th, 1795, shall have called forth the militia to suppress combinations against the laws of The United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President by proclamation to declare that the inhabitants of such State, or any section or part thereof where such insurrection exists, are in a state of insurrection against The United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of The United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandize, coming from said State or section into the other parts of The United States, and all proceeding to such State

or section by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to The United States: provided, however, that the President may in his discretion licence and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he in his discretion may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the Customs are not now authorized by law as may be needed to carry into effect such licences, rules, and regulations; and officers of the Customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

6. And be it further enacted, that from and after 15 days after the issuing of the said Proclamation, as provided in the last foregoing section of this Act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of The United States, shall be forfeited to The United States.

7. And be it further enacted, that in the execution of the provisions of this Act, and of the other laws of The United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue-cutters in service, to employ in aid thereof such other suitable vessels as may in his judgment be required.

8. And be it further enacted, that the forfeitures and penalties incurred by virtue of this Act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the Act entitled "An Act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March 3rd, 1797, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

9. And be it further enacted, that proceedings on seizures for forfeiture under this Act may be pursued in the courts of The United States in any district into which the property so seized may be taken and proceedings instituted; and such Courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

No. 70.—Earl Russell to Lord Lyons.

MY LORD,

Foreign Office, August 8, 1861.

I HAVE received your Lordship's despatch of the 12th ultimo.

The Bill which you have transmitted to me, entitled a "Bill further to provide for the Collection of Duties on Imports, and for other purposes," raises a very serious question.

By the 1st section it is proposed to give to the President the power of closing any ports of The United States, "whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of The United States, become impracticable to execute the revenue laws, and collect the duties on imports by the ordinary means in the ordinary way;" and also to give him the power of causing such duties to be collected at any port of delivery.

The 2nd section provides for the establishment of the Custom-House, in such case, in any secure place on land "or on board any vessel in said district, or at sea near the coast," and contains other provisions in aid of this object; and by the words at the end of the 4th section it is enacted, that "if while said ports of entry are so closed, any ship or vessel from beyond The United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same together with its tackle, apparel, furniture, and cargo, shall be forfeited to The United States."

It is obvious that this Act gives power to the President to confiscate a foreign vessel, with its cargo, for attempting to enter a port which has not been blockaded and is not in the possession of the Executive, and as to the closing of which none of the parties interested may have received any previous notice.

The Act, it is to be observed, speaks of "unlawful combinations of persons in opposition to the laws of The United States," and seems to contemplate riotous combinations or insurrections of a partial, temporary, or local nature, not constituting a state of war: combinations of persons simply opposing the laws of The United States. But the joint resolution of the Senate and Representatives contained in your Lordship's other despatch of the 12th instant speaks a very different language. In this resolution we find it affirmed that a formidable insurrection has, since the 4th day of March last, arrayed itself in armed hostility to the Government of The United States; that the President, on the 15th day of April, issued his proclamation, calling out 75,000 men to suppress such insurrectionary combinations; that on the 19th day of April he issued his proclamation setting on foot a blockade of the ports within seven of the States of the Union; that on the 27th April he proclaimed a blockade of two more of the States of the Union;

that on the 3rd day of May he issued a proclamation increasing the army by 22,714 men, and the navy by 18,000 seamen.

In addition to these acts thus stated by both Houses, we have the information that in his message to Congress the President has called for 400,000 men and 400,000,000 of dollars.

After the recital of these immense efforts, it seems quite inappropriate to speak of "unlawful combinations." Indeed, it cannot be denied that the state of things which exists, is a state of civil war; and there is, as regards neutral nations, no difference between civil war and foreign war.

Acting on these principles, Her Majesty's Government has accordingly recognized the state of civil war as existing, and all the rights which belong to a belligerent Her Majesty fully acknowledges to reside in the Government of The United States.

But Her Majesty cannot acknowledge that ports in the complete possession of the (so-called) "Confederate States," and which are not blockaded, shall be interdicted to the commerce of Her Majesty's subjects by decree of the President of The United States, or by a law passed by their Congress. This would be in effect to allow the lawfulness of a paper blockade extending over 3,000 miles of coast. Her Majesty's Government cannot admit a right in any Power not in the possession of the port to erect a so-called "Custom-House" on board a ship "at sea near the coast," and there to exact duties.

The principle is in this case so very clear that it is needless to refer to the case of Spain and Venezuela, or to any other case of a like nature.

Her Majesty's Government decline to discuss the legality or the justice of the conduct of the Confederate States. With the legality or illegality, according to the Constitution and laws of The United States, of the acts of the (so-called) Confederate States, or their officers and forces, foreign Governments have nothing to do; but they are compelled to recognize this fact, viz., the existence, the extent, and continuance of a formidable resistance to the authority of The United States.

The main question is as to the power assumed to be given to the President of instituting a mere paper blockade of ports not in his possession. This power Her Majesty's Government cannot acknowledge as belonging to him by international law, or as consistent with the friendly and commercial relations at present subsisting between The United States and Great Britain, and they would consider its exercise as a violation of the unquestionable rights of neutral nations. Her Majesty's Government trust, however, that the President of The United States will not exercise the power which he is

enabled to assume by the Act which I have discussed in this despatch. He has in his own hands the right of blockading the Southern ports in conformity with international law, without raising objections on the part of other maritime Powers.

You will read and give a copy of this despatch to Mr. Seward.*

I am, &c.

Lord Lyons.

RUSSELL.

*No. 74.—Messrs. Yancey, Rost, and Mann to Earl Russell.
(Received August 14.)*

15, Half Moon Street, London, August 14, 1861.

THE Undersigned, as your Lordship has already on two occasions been verbally and unofficially informed, were appointed on the 16th of March last, a Commission to Her Britannic Majesty's Government by the President of the Confederate States of America.

The Undersigned were instructed to represent to your Lordship that 7 of the sovereign States of the late American Union, for just and sufficient reasons, and in full accordance with the great principle of self-government, had thrown off the authority of that Union and formed a Confederacy which they had styled the "Confederate States of America" They were further instructed to ask Her Majesty's Government to recognize the fact of the existence of this new Power in the world, and also to inform it that they were fully empowered to negotiate with it a Treaty of Friendship, Commerce, and Navigation.

At an early day after the arrival of the Undersigned in London, at an informal interview which your Lordship was pleased to accord them, they informed your Lordship of the object of their mission, and endeavoured to impress upon your Lordship that the action of the 7 Confederate States had been based upon repeated attempts on the part of the Federal Government, and of many of the more Northern States which composed the late Union during a series of years which extended over near half a century, to rule the people of the Southern section of that Union by means of the unconstitutional exercise of power; and that secession from that Union had been resorted to, as, in the opinion of the seceding States, the best and surest mode of saving the liberties which their Federal and State Constitutions were designed to secure to them. They also endeavoured to place before your Lordship satisfactory evidence that the justice of this great movement upon the part of the cotton States was so palpable that it would be endorsed by many, if not by all, of the Southern States which were then adhering to the Union,

* This despatch was not communicated to Mr. Seward; Lord Lyons having made a similar representation under a previous instruction (see page 232).

which would sooner or later become convinced that the security of their rights could only be maintained by pursuing the like process of secession from the late Federal Union, and accession to the Constitution and Government of the Confederate States of America.

They were especially desirous of convincing your Lordship, and laid before your Lordship reasons for their belief, that the people of the seceding States had violated no principle of allegiance in their act of secession, but, on the contrary, had been true to that high duty which all citizens owe to that sovereignty which is the supreme fount of power in a State, no matter what may be the particular form of government under which they live: they were careful to show to your Lordship, however, that the idea of American sovereignty was different from that entertained in Great Britain and Europe; that whereas in the great Eastern hemisphere generally, sovereignty was deemed to exist in the Government, the founders of the North American States had solemnly declared, and upon that declaration had built up American institutions, that "Governments were instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends (security to life, liberty, and the pursuit of happiness), it is the right of the people to alter or abolish it, and to institute a new Government."

The Undersigned assumed it to be incontrovertible, in order to give practical vitality to this declaration, that the people who were declared to possess this right "to alter or to abolish" such oppressive government, must be the people whose rights such government either assailed or no longer protected. Whether that government should be administered by one tyrant, or the more heartless and equally effectual despotism of a sectional and tyrannical majority, could make no difference in the application of the principle. When the people who thus act in "abolishing" their form of government are not mere self-constituted assemblages of disaffected individuals, but the sovereign people of great States, each possessing separate Constitutions, and legislative and executive powers, acting in modes prescribed by those Constitutions, and taking votes under form and by virtue of law, the minority yielding cheerfully to the decision of the majority as to the question of redress, it became clear that whatever might be European views as to such action, if developed in Europe, the seceding States were amply justified by the great American principles of self-government proclaimed by their ancestors in 1776. They submitted that so far from the principle of American allegiance having been violated by the people of the seceding States, in those States alone is that principle upheld whereby the actions of men claiming to be the representatives of the men of 1776, are

to be guided and justified, and that the people and Government of the States upholding Mr. Lincoln, in his war upon the Confederate States, are alone the traitors to that great political truth, and as such must be judged by an impartial world.

In connection with this view, the Undersigned explained to your Lordship the unity, the deliberation, the moderation, and regard for personal and public right; the absence of undue popular commotion during the process of secession; the daily and ordinary administration of the laws in every department of justice, all of which were distinguishing features of this grand movement. They expatiated upon the great extent of fertile country over which the Confederate States exercised jurisdiction, producing in ample quantity every variety of cereal necessary to the support of their inhabitants; to the great value of the products of cotton and tobacco grown by them; to the number and character of their people; and they submitted to your Lordship that all of these political and material facts demonstrated to the nations of the world that the action of the Confederate States of America was not that of rebels, subject to be dealt with as traitors and pirates by their enemy, but the dignified and solemn conduct of a belligerent Power, struggling, with wisdom and energy, to assume a place among the great States of the civilized world, upon a broad and just principle which commended itself to that world's respect.

The Undersigned have witnessed with pleasure that the views which, in their first interview, they pressed upon your Lordship as to the undoubted right of the Confederate States, under the law of nations, to be treated as a belligerent Power, and the monstrous assertion of the Government of Washington of its right to treat their citizens found in arms upon land or sea, as rebels and pirates, have met with the concurrence of Her Britannic Majesty's Government; and that the moral might of this great and Christian people has been thus thrown into the scale to prevent the barbarous and inhuman spectacle of war between citizens so lately claiming a common country, conducted upon principles which would have been a disgrace to the age in which we live.

The Undersigned, however, received, with some surprise and regret, the avowal of Her Britannic Majesty's Government that, in order to the observance of a strict neutrality, the public and private armed vessels of neither of the contending parties would be permitted to enter Her Majesty's ports with prizes. The Undersigned do not contest the right of the British Government to make such regulations, but have been disposed to think that it has been unusual for Her Majesty's Government to exercise such right, and that in this instance the practical operation of the rule has been to favour the Government at Washington, and to cripple the exercise

of an undoubted public right of the Government of the Confederate States. This Government commenced its career entirely without a navy. Owing to the high sense of duty which distinguished the southern officers who were lately in commission in The United States' navy, the ships which otherwise might have been brought into southern ports were honourably delivered up to The United States' Government, and the navy, built for the protection of the people of all the States, is now used by the Government at Washington to coerce the people and blockade the ports of one-third of the States of the late Union.

The people of the Confederate States are an agricultural, not a manufacturing or commercial people. They own but few ships. Hence there has been not the least necessity for the Government at Washington to issue letters of marque. The people of the Confederate States have but few ships, and not much commerce upon which such private armed vessels could operate. The commodities produced in the Confederate States are such as the world needs more than any other, and the nations of the earth have heretofore sent their ships to our wharves, and there the merchants buy and receive our cotton and tobacco.

But it is far otherwise with the people of the present United States. They are a manufacturing and commercial people. They do a large part of the carrying trade of the world. Their ships and commerce afford them the sinews of war, and keep their industry afloat. To cripple this industry and commerce, to destroy their ships or cause them to be dismantled and tied up to their rotting wharves, are legitimate objects and means of warfare.

Having no navy, no commercial marine out of which to improve public armed vessels to any considerable extent, the Confederate States were compelled to resort to the issuance of letters of marque, a mode of warfare as fully and clearly recognized by the law and usage of nations as any other arm of war, and most assuredly more humane and more civilized in its practice than that which appears to have distinguished the march of the troops of the Government of The United States upon the soil and among the villages of Virginia.

These facts tend to show that the practical working of the rule that forbids the entry of the public and private armed vessels of either party into British ports with prizes operates exclusively to prevent the exercise of this legitimate mode of warfare by the Confederate States, while it is, to a great degree, a practical protection to the commerce and ships of The United States.

In the interview already alluded to, as well as in one of a similar character, held between your Lordship and the Undersigned at a later date, the Undersigned were fully aware of the relations of

amity existing between Her Britannic Majesty's Government and that of Washington, and of the peculiar difficulties into which these relations might be thrown if Her Majesty should choose to recognize the nationality of the Confederate States of America, before some decided exhibition of ability upon the part of the Government of those States to maintain itself had been shown. Therefore they did not deem it advisable to urge Her Majesty's Government to an immediate decision upon so grave a question, but contented themselves with a presentation of the cause of their Government, and have quietly waited upon events to justify all that they had said, with the hope that Her Majesty's Government would soon come to the conclusion that the same sense of justice, the same view of duty under the law of nations, which caused it to recognize the *de facto* Government of Texas while yet a superior Mexican army was contending for supremacy upon its soil, the *de facto* Governments of the South American Republics while Spain still persisted in claiming to be their Sovereign, and the *de facto* Governments of Greece, of Belgium, and Italy, would induce it to recognize the Government of the Confederate States of America upon the happening of events exhibiting a deep-seated and abiding confidence that success will attend their efforts. At all events, reconstruction of the Union is an impossibility. The brief history of the past confirms them in this belief.

Since the organization of the Government of the Confederate States in February last and since Mr. Lincoln assumed the reins of Government in The United States, and commenced preparing his aggressive policy against the Confederate States, the moral weight of their position and cause, aided by the constitutional action and policy of the new President and his Cabinet, have caused 4 other great States, viz., Virginia, North Carolina, Tennessee, and Arkansas, containing about 4,500,000 inhabitants, and covering an extent of valuable territory equal to that of France and Spain, to secede from the late Union and join the Confederate States; while the inhabitants of 3 other powerful States, viz., Maryland, Kentucky, and Missouri, are now agitated by the throes of revolution, and a large part of them are rising in arms to resist the military despotism which, in the name of the Constitution, has been so ruthlessly, and in such utter perversion of the provisions of that instrument, imposed upon them. The Undersigned have also sufficient reasons for the belief that even in the north-western part of the State of Illinois a part of the people have proclaimed open opposition to Mr. Lincoln's unconstitutional and despotic government, while in several others, public assemblies and their Legislatures have condemned the war as subversive of the Constitution. In addition to these striking evidences of the increased strength of the Confederate

States, and of great internal weakness and division in Mr. Lincoln's Government, the Undersigned can proudly and confidently point to the unity which exists among the people of the 11 Confederate States, with the solitary and unimportant exception of the extreme north-west corner of Virginia, lying between Ohio and Pennsylvania, and settled almost exclusively by northern emigrants. Whatever differences of opinion may have been entertained among the people of The United States as to the policy of secession, there was little difference of opinion as to the unconstitutional causes which led to it, and often, by a fair decision at the polls, by the majority in favour of secession as the means of expressing their liberties, the great mass of the people at once yielded all objections, and are now engaged with their wealth and their persons in the most patriotic exertions to uphold their Government in the course of independence which had been decided upon.

Whatever tribute of admiration may be yielded for the present to the people who submit to Mr. Lincoln's usurping Government, for energy displayed in raising and organizing an immense army for the purpose of imposing the yoke of that Government upon a people who are struggling for the inestimable right of governing themselves, in order to a preservation of their liberties, a just and impartial history will award to the people of the Confederate States an unmixed admiration for an effort which, in the space of 6 months, has thrown off the authority of the usurper; has organized a new Government, based upon the principles of personal and public liberty; has put that Government into operation; has raised, organized, and armed an army sufficient to meet and defeat in a fair field, and drive in ignominious flight from that field, the myriads of invaders which the reputed first General of the age deemed fit to crush what he termed a rebellion.

The Undersigned call your Lordship's attention to the fact that Mr. Lincoln's Government, though possessed of all the advantages of a more numerous population, of the credit due to a recognized Government of long continuance, of the entire navy of the late Union, has not been able to retake a single fortification of which the Confederate States possessed themselves; but, on the contrary, has been driven out from a mighty fortress upon the Atlantic, and from several forts on the western frontier, by the Confederate arms; that it has not been able to advance more than 5 miles into the territory of any of the Confederate States where there was any serious attempt to prevent it; and is in danger of losing 3 great States of the Union by insurrection. Even at sea, upon which the Government of Mr. Lincoln possesses undisputed sway, it has not been able to make an effectual blockade of a single port but those which find an outlet through the mouth of Chesapeake Bay; vessels

of every class, public and private, armed vessels belonging to the Confederate States, and traders, having found their way in and out of every other port at which the attempt has been made.

In everything that constitutes the material of war, thus far the Confederate States have supplied themselves from their own resources, unaided by that free intercourse with the world which has been open to The United States. Men, arms, munitions of war of every description, have been supplied in ample abundance to defeat all attempts to successfully invade our borders. Money has been obtained in the Confederate States in sufficient quantity. Every loan that has been put upon the market, has been taken at and above par, and the Undersigned but state the universal impression and belief of their Government, and their fellow-citizens in the Confederate States, that, no matter what may be the demand for means to defend their country against invasion, sufficient resources of every character, and sufficient patriotism to furnish them, exist within the Confederate States for that purpose.

The Undersigned are aware that an impression has prevailed even in what may be termed well-informed circles in Europe, that the slaveholding States are poor, and not able to sustain a prolonged conflict with the non-slaveholding States of the north. In the opinion of the Undersigned, this idea is grossly erroneous; and, considering the importance of a correct understanding of the relative resources of the two contending Powers, in resolving the question of the ability of the south to maintain its position, your Lordship will pardon a reference to the Statistical Tables of 1850, the last authentic exposition of the resources of The United States which has yet been published, and which is appended to this communication. The incontestable truths exhibited in that table prove that the Confederate States possess the elements of a great and powerful nation, capable not only of clothing, feeding, and defending themselves, but also of clothing all the nations of Europe, under the benign influence of peace and free trade.

The Undersigned are also aware that the anti-slavery sentiment so universally prevalent in England has shrunk from the idea of forming friendly public relations with a Government recognizing the slavery of a part of the human race. The question of the morality of slavery it is not for the Undersigned to discuss with any foreign Power. The authors of the American Declaration of Independence found the African race in the colonies to be slaves, both by colonial and English law, and by the law of nations. Those great and good men left that fact, and the responsibility for its existence, where they found it; and thus finding that there were two distinct races in the colonies one free and capable of maintaining their freedom, the other, slave and, in their opinion, unfitted to enter upon that contest, and to

govern themselves, they made their famous declaration of freedom for the white race alone. They eventually planned and put in operation, in the course of a few years, two plans of government, both resting upon that great and recognized distinction between the white and the black man, and perpetuating that distinction as the fundamental law of the government they framed, which they declared to be framed for the benefit of themselves and their posterity; in their own language "to secure the blessings of liberty to ourselves and our posterity."

The wisdom of that course is not a matter for discussion with foreign nations. Suffice it to say that thus were the great American institutions framed, and thus have they remained unchanged to this day. It was from no fear that the slaves would be liberated that secession took place. The very party in power has proposed to guarantee slavery for ever in the States, if the south would but remain in the Union. Mr. Lincoln's message proposes no freedom to the slave, but announces subjection of his owner to the will of the Union, in other words to the will of the north. Even after the battle of Bull's Run, both branches of the Congress at Washington passed resolutions that the war is only waged in order to uphold that (pro-slavery) Constitution, and to enforce the laws (many of them pro-slavery), and out of 172 votes in the Lower House they receive all but two, and in the Senate all but one vote. As the army commenced its march the Commanding General issued an order that no slaves should be received into, or allowed to follow, the camp. The great object of the war, therefore, as now officially announced, is not to free the slave, but to keep him in subjection to his owner, and to control his labour through the legislative channels which the Lincoln Government designs to force upon the master. The Undersigned therefore submit with confidence that as far as the anti-slavery sentiment of England is concerned, it can have no sympathy with the north; nay, it will probably become disgusted with a canting hypocrisy which would enlist those sympathies on false pretences. The Undersigned are, however, not insensible to the surmise that the Lincoln Government may, under stress of circumstances, change its policy—a policy based at present more upon a wily view of what is to be its effect in rearing up an element in the Confederate States favourable to the re-construction of the Union than upon any honest desire to uphold a Constitution the main provisions of which it has most shamelessly violated. But they confidently submit to your Lordship's consideration, that success in producing so abrupt and violent a destruction of a system of labour which has reared up so vast a commerce between America and the great States of Europe, which, it is supposed, now gives bread to ten millions of the population of those States, which, it may be

safely assumed, is intimately blended with the basis of the great manufacturing and navigating prosperity that distinguishes the age, and that probably not the least of the elements of this prosperity would be visited with results disastrous to the world, as well as to the master and slave.

Resort to servile war has, it is true, as we have heretofore stated, not been proclaimed, but officially abandoned. It has been, however, recommended by persons of influence in The United States, and when all other means shall fail, as the Undersigned assure your Lordship they will, to bring the Confederate States into subjection to the power of Mr. Lincoln's Government, it is by no means improbable that it may be inaugurated. Whenever it shall be done, however, the motive, it is now rendered clear, will not be that high philanthropic consideration which undoubtedly beats in the hearts of many in England, but the base feeling of selfish aggrandisement, not unmixed with a cowardly spirit of revenge.

The Undersigned call your Lordship's attention to what is now so publicly known as a fact—to the great battle of Bull's Run, 3 miles in front of Manassas Junction, in which a well-appointed army of 55,000 Federal soldiers gave battle to the Confederate States' army of inferior force. After nine hours' hard fighting the Federalists were defeated and driven from the field in open flight, and were pursued by the Confederate States' army to Centreville, the position of the Federal reserve. The enemy lost honour, and nearly all the arms and munitions of war which had been so industriously gathered together for months for an offensive campaign in Virginia; and they did not cease their flight until, under cover of a stormy night, they had regained the shelter of their entrenchments in front of Washington. The Confederate States' forces have commenced offensive movements, and have driven the vaunting hosts of The United States behind entrenchments upon the borders of Virginia, and so far from threatening the integrity of the territory and the existence of the Government of the Confederate States, the Government at Washington seems content at present, and will be rejoiced, if it can maintain a successful defence of its capital, and preserve the remnant of its defeated and disorganized forces.

The Undersigned would also ask your Lordship's attention to the fact, that the cotton-picking season in the cotton-growing States of the Confederacy has commenced. The crop bids fair to be at least an average one, and will be prepared for market and delivered by our planters and merchants as usual, on the wharves of the ports of those States, when there shall be a prospect of the blockade being raised, and not before. As a defensive measure, an embargo has been laid by the Government of the Confederate States upon the

passage of cotton by inland conveyance to The United States. To be obtained, it must be sought for in the Atlantic and Gulf ports of those States. They submit to your Lordship the consideration of the fact that the blockade of all the ports of the Confederate States was declared to have commenced by the blockading officer off Charleston, when, in truth, at that time, and for weeks after, there was no pretence of a blockade of the ports in the Gulf. They further submit for consideration, that since the establishment of the blockade there have been repeated instances of vessels breaking it at Wilmington, Charleston, Savannah, Mobile, and New Orleans. It will be for the neutral Powers, whose commerce has been so seriously damaged, to determine how long such a blockade shall be permitted to interfere with their commerce.

In closing this communication the Undersigned desire to urge upon Her Britannic Majesty's Government the just claim which, in their opinion, the Government of the Confederate States has at this time to a recognition as a Government *de facto*; whether its internal peace, or its territory, its population, its great resources for both domestic and foreign commerce, and its power to maintain itself, are considered; or, whether your Lordship shall take into consideration the necessity of commercial relations being established with it, with a view to the preservation of the vast interests of the commerce of England. If, however, in the opinion of Her Britannic Majesty's Government, the Confederate States have not yet won a right to a place among the nations of the earth, the Undersigned can only assure your Lordship that while such an announcement will be received with surprise by the Government they represent, and while that Government is to be left to contend for interests which, it thinks, are as important to commercial Europe as to itself, without even a friendly countenance from other nations, its citizens will buckle themselves to the great task before them with a vigour and determination that will justify the Undersigned in having pressed the question upon Her Britannic Majesty's Government; and when peace shall have been made, their Government will at least feel that it will not be justly responsible for the vast quantity of blood which shall have been shed, nor for the great and wide-spread suffering which so prolonged a conflict will have entailed upon millions of the human race, both in the Eastern as well as upon the North American continent.

The Undersigned, &c.

W. L. YANCEY.

P. A. BOST.

A. DUDLEY MANN.

Earl Russell.

(Inclosure.)—Extract from *United States' Census*, 1850.

			Non-slave-holding States.	Slave-holding States.
				Whites Blacks
1. Population			18,380,418	6,222,418 3,204,818
2. Annual value of manufactures, mining, and mechanical arts	dollars		845,430,428	167,906,035
3. Cotton	bales		..	2,445,798*
4. Improved acres of land ..			58,812,733	54,399,455
5. Average value of farming utensils on each farm ..	dollars		95	171
6. Horses and mules	number		2,290,840	2,570,486
7. Neat cattle	"		8,557,786	9,527,915
8. Swine	"		9,507,745	20,787,000
9. Wheat, annually	bushels		74,264,580	26,894,000
10. Indian corn	"		242,718,000	348,992,261
11. Cane sugar	lbs.		..	237,133,000
12. Molasses	gallons		..	12,700,991
13. Rice	lbs.		..	215,913,500
14. Tobacco	"		14,760,000	185,083,000
15. Salt, annually	bushels		6,029,450	3,754,390

* Crop of 1860, about 4,700,000 bales.

NOTE.—The census of The United States for 1860, now in course of publication, will undoubtedly show an increase of at least 33 per cent. of these resources.

The Report published by the Congress of The United States showing their commerce and navigation for the year ending June 1860, shows that the entire exports for that year were 378,189,274 dollars, of which sum the exports produced exclusively in the south were 247,542,078 dollars, of which 208,779,799 dollars were exported through southern ports.

No. 75.—*Mr. Adams to Earl Russell.*—(Received August 15.)

MY LORD,

London, August 15, 1861.

FROM information furnished from sources which appear to me entitled to credit, I feel it my duty to apprise Her Majesty's Government that a violation of the Act prohibiting the fitting-out of vessels for warlike purposes is on the point of being committed in one of the ports of Great Britain, whereby an armed steamer is believed to be about to be dispatched with the view of making war against the people of The United States.

It is stated to me that a new screw-steamer called the *Bermuda*, ostensibly owned by the commercial house of Fraser, Trenholm, and Levy, of Liverpool, well known to consist in part of Americans in sympathy with the insurgents in The United States, is now lying at West Hartlepool ready for sea. She is stated to carry English colours, but to be commanded by a Frenchman. She is two-masted, brig-rigged, lower part of funnel black, and upper part red; black hull, with a narrow red stripe round the moulding level with the deck; no poop; wheel-house painted white; 6 white boats slung in

iron davits. She has neither figure-head nor bowsprit. Her bottom is painted pink up to the water-line.

This steamer is armed with 4 guns, and she has been for some time taking in crates, cases, and barrels, believed to contain arms and ammunition of all kinds, ordinarily used in carrying on war.

This cargo is nominally entered as destined to Havana, in the Island of Cuba; but her armament and cargo are of such a nature as to render it morally certain that the merchants who claim to be the owners can have no intention of despatching her on any errand of mercy or of peace.

I am informed that this vessel will sail in a day or two. I therefore feel under the highest obligation to submit the information I have obtained, as the ground for an application for a prompt and effective investigation of the truth of the allegations whilst there is time. Not doubting the earnest disposition of Her Majesty's Government faithfully to adhere to the principles of neutrality to which it has pledged itself, I ask, on the part of The United States, for no more than a simple enforcement of the law, in case it shall appear that evil-minded persons are seeking to set it at nought.

I pray, &c.

Earl Russell.

CHARLES FRANCIS ADAMS.

No. 77.—Earl Russell to Mr. Adams.

SIR,

Foreign Office, August 22, 1861.

I ACQUAINTED you in my letter of the 15th instant that I had lost no time in communicating with the proper department of Her Majesty's Government respecting the steam-vessel fitting out at Hartlepool, which you believed was about to be despatched with a view of making war against the people of The United States.

I have now the honour to state to you that the result of the inquiries into this case having been submitted to the proper Law Officer of the Crown, Her Majesty's Government have been advised that there is not sufficient evidence to warrant any interference with the clearance or the sailing of the vessel.

The 7th Section of the Foreign Enlistment Act, 59 Geo. III, cap. 69,* applies to the equipment of a vessel for the purpose of being employed in the service of a foreign State as a transport or cruizer, but has no reference to the mere nature of the cargo on board, and there is at present no proved intention that the vessel itself is to be employed for a warlike purpose.

The persons engaged in the venture must take the consequences which, according to the law of nations, may happen to ensue during transit owing to a portion of the cargo loaded by them being contraband of war.

I am, &c.

The Hon. C. F. Adams.

RUSSELL.

No. 78.—Earl Russell to Messrs. Yancey, Rost, and Mann.

Foreign Office, August 24, 1861.

THE Undersigned has had the honour to receive the letter of the 14th instant, addressed to him by Messrs. Yancey, Rost, and Mann, on behalf of the so-styled Confederate States of North America.

The British Government do not pretend in any way to pronounce a judgment upon the questions in debate between the United States and their adversaries in North America; the British Government can only regret that these differences have unfortunately been submitted to the arbitrement of arms. Her Majesty has considered this contest as constituting a civil war, and Her Majesty has by her royal proclamation, declared her intention to preserve a strict neutrality between the contending parties in that war.

Her Majesty will strictly perform the duties which belong to a neutral. Her Majesty cannot undertake to determine by anticipation what may be the issue of the contest, nor can she acknowledge the independence of the 9 States which are now combined against the President and Congress of The United States, until the fortune of arms or the more peaceful mode of negotiation shall have more clearly determined the respective positions of the two belligerents.

Her Majesty can, in the meantime, only express a hope that some adjustment satisfactory to both parties may be come to, without the calamities which must ensue in the event of an embittered and protracted conflict.

The Undersigned, &c.

Messrs. Yancey, Rost, and Mann.

RUSSELL.

No. 79.—An Act supplementary to an Act entitled "An Act to Protect the Commerce of The United States, and punish the Crime of Piracy."—August 5, 1861.

BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that any vessel or boat which shall be built, purchased, fitted out, in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of The United States if found upon the high seas, or to be seized if found in any port or place within The United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or boat, or not; and any such vessel or boat may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of The

United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of The United States, after due process and trial, in like manner as is provided in section 4 of the Act to which this Act is supplementary, which section is hereby made in all respects applicable to cases arising under this Act.

Sec. 2. And be it further enacted, that the President of The United States be and hereby is authorized to instruct the commanders of the public armed vessels of The United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by the Congress of The United States, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of The United States any vessel or boat built, purchased, fitted out, or held, as in the first section of this Act mentioned.

3. And be it further enacted, that the collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within The United States be and are hereby authorized and required to seize any and all vessels or boats built, purchased, fitted out, or held as aforesaid, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as hereinbefore provided.

Approved, August 5, 1861.

No. 81.—Lord Lyons to Lord J. Russell.—(Received August 26.)

MY LORD,

Washington, August 12, 1861.

I CALLED upon Mr. Seward this morning at the State Department, and said to him, in the words of your Lordship's despatch of the 19th ultimo, that Her Majesty's Government "would consider a decree closing the ports of the south actually in possession of the insurgent or Confederate States as null and void, and that they would not submit to measures taken on the high seas in pursuance of such decree."

I proceeded to say that I was instructed to communicate this decision to the Government of The United States, and that M. Mercier, the French Minister, had similar instructions from his Government. I added that having been made aware by confidential conversations with Mr. Seward, that he himself considered that it would not be at this moment expedient for The United States' Government to issue the proclamation closing the ports, I was willing to leave it to him to decide whether a more formal communication would be desirable or not. I must beg him, however, to regard the statement I had made as a distinct announcement of the

determination of Her Majesty's Government. I was willing to stop there, or to make a written declaration, as he thought best.

Mr. Seward thanked me very much for the consideration I had shown; and begged me to confine myself for the present to the verbal announcement I had just made. He said that it would be difficult for me to draw up a written communication which would not have the air of a threat; that just now this might have an unfortunate effect; but that he would ask me hereafter to make a formal declaration, if it should seem advisable.

I told Mr. Seward that I should always be glad to strengthen his hands in opposing a measure so fraught with danger to the cordial relations between our two Governments, as would be the issuing of the proclamation declaring the ports to be closed; and I assured him that I was very willing to be guided by his superior knowledge of the feelings of the Government and the country.

Mr. Seward gave me to understand that the question of issuing the proclamation was dropped for the moment, but he hinted that there were influential persons who were anxious to moot it again.

It was in pursuance of an understanding which I had come to with M. Mercier that I sought this interview with Mr. Seward, and that I spoke to him in the language which I have described. M. Mercier being necessarily in attendance upon Prince Napoleon, was unable himself to hold any long conversation with Mr. Seward before setting out for New York. He had, however, an interview with me on the morning of his departure, at which we agreed on the course to be pursued during his absence. I have, &c.

Lord J. Russell.

LYONS.

P.S.—I have caused this despatch to be read to M. de Geoffroy, the First Secretary of the French Legation, in order to enable him to inform M. Mercier accurately of what passed between Mr. Seward and me.

No. 83.—Lord Lyons to Earl Russell.—(Received September 2.)

MY LORD, *Washington, August 19, 1861.*

I HAVE the honour to inclose a copy, taken from a newspaper, of a proclamation of the President of The United States, dated the 16th instant, and prohibiting commercial intercourse with the seceded States. No more authentic copy can at present be procured.

The proclamation is issued in virtue of the 5th section of the "Act further to provide for the collection of Duties on Imports, and for other purposes," of which I had the honour to transmit a copy to your Lordship in my despatch of the 19th ultimo.

It is the same Act which empowers the President to collect duties

on ship-board, and to close ports of entry, but the present proclamation does not appear to extend to either of those two points.

I have, &c.

Earl Russell.

LYONS.

(Inclosure.)—Proclamation by the President of the United States of America, prohibiting Commercial Intercourse with Seceded States. August 16, 1861.

WHEREAS, on the 15th day of April, 1861, the President of The United States, in view of an insurrection against the Laws, Constitution, and Government of The United States, which had broken out within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and in pursuance of the Act entitled "An Act to provide for calling forth the Militia to execute the laws of the Union, suppress Insurrection, and repel Invasion, and to repeal the Act now in force for that purpose," approved February 28, 1795, did call forth the militia to suppress said insurrection and to cause the laws of the Union to be duly executed, and the insurgents have failed to disperse by the time directed by the President; and whereas such insurrection has since broken out, and yet exists, within the States of Virginia, North Carolina, Tennessee, and Arkansas; and whereas the insurgents in all the said States claim to act under the authority thereof, and such claim is not disclaimed or repudiated by the person exercising the functions of Government in such State or States, or in the part or parts thereof in which such combinations exist, nor has such insurrection been suppressed by said States:

Now therefore I, Abraham Lincoln, President of The United States, in pursuance of an Act of Congress, approved July 13, 1861, do hereby declare that the inhabitants of the said States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany mountains, and of such other parts of that State and the other States hereinbefore named, as may maintain a loyal adhesion to the Union and the Constitution, or may be, from time to time, occupied and controlled by forces of The United States engaged in the dispersion of said insurgents), are in a state of insurrection against The United States; and that all commercial intercourse between the same, and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of The United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed; that all goods and chattels, wares and merchandize, coming from any of said States, with the exceptions aforesaid, into other parts of The United States,

without the special licence and permission of the President, through the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same, or conveying persons to or from said States, with said exceptions, will be forfeited to The United States; and that from and after 15 days from issuing of this proclamation, all ships and vessels belonging in whole or in part to any citizen or inhabitant of any of said States, with said exceptions, found at sea or in any port of The United States, will be forfeited to The United States; and I hereby enjoin upon all district attorneys, marshals, and officers of the revenue, and of the military and naval forces of The United States, to be vigilant in the execution of said Act, and in the enforcement of the penalties and forfeitures imposed or declared by it; leaving any party who may think himself aggrieved thereby to his application to the Secretary of the Treasury for the remission of the penalty or forfeiture, which the said Secretary is authorized by law to grant, if, in his judgment, the special circumstances of any case shall require such remission.

In witness whereof I have hereunto set my hand, and caused the seal of The United States to be affixed.

Done at the city of Washington, this 16th day of August, in the year of Our Lord 1861, and of the independence of the United States of America the 86th.

By the President:

ABRAHAM LINCOLN.

WM. H. SEWARD, *Secretary of State*.

No. 91.—Mr. Adams to Earl Russell.—(Received September 30.)

London, September 30, 1861.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States, regrets to be obliged to inform the Right Honourable Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has been instructed by the President of The United States to prefer a complaint against the authorities of the island of Trinidad for a violation of Her Majesty's Proclamation of Neutrality, by giving aid and encouragement to the insurgents of The United States.

It appears by an extract from a letter received at the Department of State from a gentleman believed to be worthy of credit, a resident of Trinidad, Mr. Francis Bernard, a copy of which is submitted herewith, that a steam-vessel known as an armed insurgent privateer, called the *Sumter*, was received on the 30th of July last at that port, and was permitted to remain for 6 days, during which time she was not only furnished with all necessary supplies for the continuance of her cruise under the sanction of the Attorney-

General, but that Her Majesty's flag was actually hoisted on the Government flag-staff in acknowledgment of her arrival.

The Undersigned has been directed by his Government to bring this extraordinary proceeding to the attention of Lord Russell, and in case it shall not be satisfactorily explained, to ask for the adoption of such measures as shall insure, on the part of the authorities of the said island, the prevention of all occurrences of the kind during the continuance of the difficulties in America.

The Undersigned deems it proper to add, in explanation of the absence of any official representation from Trinidad to substantiate the present complaint, that there was no Consul of The United States there at the time of the arrival of the vessel. The Undersigned had the honour a few days since, to apprise Lord Russell of the fact that this deficiency had been since supplied by preferring an application for Her Majesty's exequateur for a new Consul, who is already on his way to occupy his post.

The Undersigned, &c.

Earl Russell.

CHARLES FRANCIS ADAMS.

(*Inclosure.*)—*Mr. Bernard to Mr. Seward.*

(Extract.)

Trinidad, August 7, 1861.

I BEG to inform you that on the 30th ultimo, a steam-sloop of war (*Semmes*, Commander), carrying a secession flag, five guns, some of a large calibre, and a crew of from 120 to 150 men, sailed boldly in our harbour and reported herself to the authorities of this island as being on a cruise. She was last from Puerto Cabello, and since she succeeded in getting out of the Mississippi river she has already captured no less than 11 American vessels. I have ascertained the names of some of them, viz., the *Joseph Maxwell*, *Abu Bradford*, *Minnie Miller*, *Westwind of Westerly*, with a cargo of sugar from Havana, and *Golden Rocket*, which was burnt by her off the coast of Cuba.

The *Sumter* landed 8 of her prisoners here in a destitute condition, but a contribution has been raised here for their benefit, sufficient to supply their immediate wants, and I will take care that they are provided for till an opportunity offers to ship them to the States.

The *Sumter* remained here till the 5th instant, and was allowed to supply herself with coals and other necessary outfits. The British flag was hoisted on the Government flag-staff for her arrival, and the officers of the British war-vessel *Cadmus* appeared to be on amicable terms with those of the *Sumter*. The merchant who supplied the *Sumter* with coals did it with the consent and approval of our Attorney-General.

Being a loyal American, I consider it my duty to send you these

informations, as there has been no Consul of our nation on this island for many months.

W. H. Seward, Esq.

F. BERNARD.

No. 92.—Mr. Adams to Earl Russell.—(Received October 2.)

MY LORD,

London, October 1, 1861.

IT is with much regret that I find myself receiving at every fresh arrival from The United States, instructions from my Government to make representations to your Lordship concerning alleged violations of Her Majesty's Proclamation of neutrality committed by British subjects, through the channel of the Colonies situated near The United States. I have the honour now to submit to your Lordship's consideration the copy of an intercepted letter from a person named John P. Baldwin, living at Richmond, in Virginia, in the service of the insurgents, addressed to Henry Adderley, Esq., of Nassau, New Providence. It appears by this letter, that Nassau has been made, to some extent, an entrepôt for the transmission of articles contraband of war, from Great Britain to the ports held by the insurgents.

It would be a great source of satisfaction to the Government of The United States to learn that Her Majesty's Government felt itself clothed with the necessary power to prevent the exportation of such contraband from the Colonies for the use of the insurgents, and that it would furnish the necessary instructions to the local authorities to attain that end.

I pray, &c.

Earl Russell.

CHARLES FRANCIS ADAMS.

No. 93.—Earl Russell to Lord Lyons.

MY LORD,

Foreign Office, October 3, 1861.

I HAVE had under my consideration, and have referred to the proper Law Adviser of the Crown, your despatch of the 19th of August last, inclosing a Proclamation issued by the President of The United States prohibiting commercial intercourse with the seceded States; and I have to acquaint you that this Proclamation appears to Her Majesty's Government to be within the competence of the President, and in conformity with the law and usage of nations.

The existence of a war between two Governments implies and involves, in theory, and in the contemplation of international law, the existence of a war between all the individuals voluntarily domiciled within the territory of either Government, which is supposed to represent and act for all such persons; and one of the immediate consequences of war is the entire interdiction of all commercial dealing between the subjects, citizens, or domiciled inhabitant of the belligerents, excepting by the formal and special licence

or permission of their Government: with this exception, "war" places every individual living within the territory of either Government, as well as the Governments themselves, in a state of hostility, legally and internationally; and trading with the inhabitants of the enemy's territory is "trading with the enemy." These principles have been constantly applied by this country and other foreign Powers, when belligerents.

The fact that the war now existing in North America may, in a certain sense, be viewed as a civil war, and that the President speaks of "the insurrection" of the particular States named in the Proclamation, does not appear to Her Majesty's Government to make any very material or practical difference, more especially as Her Majesty's Government and all other Governments, have treated both parties as "belligerents engaged against each other in regular war," and consider themselves as "neutrals" internationally. It does not appear to Her Majesty's Government, therefore, that the issuing of this Proclamation requires any international notice on their part.

It remains to be seen how the "forfeiture to The United States" (imposed by the Proclamation) is to be enforced, and carried out in practice, whether by legal proceedings in Court or otherwise, upon which point your Lordship will, doubtless, send further information.

I am, &c.

Lord Lyons.

RUSSELL.

No. 94.—*Earl Russell to Mr. Adams.*

Foreign Office, October 4, 1861.

THE Undersigned has had the honour to receive a complaint from Mr. Adams, against the authorities of the Island of Trinidad for a violation of Her Majesty's Proclamation of Neutrality, by giving aid and encouragement to the insurgents of The United States.

It appears from the accounts received at the Colonial Office and at the Admiralty, that a vessel bearing a secession flag entered the port of Trinidad on the 30th of July last.

Captain Hillyar, of Her Majesty's ship *Cadmus*, having sent a boat to ascertain her nationality, the commanding officer showed a commission signed by Mr. Jefferson Davis, calling himself the President of the so-styled Confederate States.

The *Sumter*, which was the vessel in question, was allowed to stay six days in Trinidad, and to supply herself with coals and provisions, and the Attorney-General of the Island perceived no illegality in these proceedings.

The law officers of the Crown have reported that the conduct of the Governor was in conformity to Her Majesty's Proclamation.

No mention is made by the Governor of his hoisting the British flag on the Government flag-staff, and if he did so, it was probably in order to show the national character of the island, and not in acknowledgment of the arrival of the *Sumter*.

There does not appear, therefore, any reason to believe that Her Majesty's Proclamation of Neutrality has been violated by the Governor of Trinidad or by the commanding officer of Her Majesty's ship *Cadmus*.

The Undersigned, &c.

The Hon. C. F. Adams.

RUSSELL.

No. 95.—Lord Lyons to Earl Russell.—(Received October 7.)

(Extract.)

Washington, September 23, 1861.

I HAVE the honour to inclose a copy of a circular letter of the Secretary of State which has been published in the newspapers. It is apparently designed to relieve apprehensions which were entertained that an inquisitorial search was to be made for property belonging to the inhabitants of the southern States, with a view to confiscating it under Acts of Congress passed last session. It was even feared that the books of merchants and bankers would be examined, and that balances due to southern customers, or securities belonging to them, would be confiscated.

Earl Russell.

LYONS.

(Inclosure.)—Circular addressed by Mr. Seward to the Marshals and District Attorneys of The United States, respecting seizure of Property belonging to Citizens of Seceded States.

SIR,

Washington, September 21, 1861.

IN order to prevent seizures of property belonging to citizens of insurrectionary States, not warranted by the Acts of Congress relating to that subject, it is thought advisable to direct the special attention of marshals and district attorneys of The United States to the provisions of these Acts.

The 5th section of the Act of July 13 provides that all goods and chattels, wares, and merchandize, coming from or proceeding to a State or place declared to be in insurrection, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or place, shall be forfeited to The United States.

This section obviously applies to all property in transit, or purchased, or provided with a view to transit, between loyal and disloyal States, and especially to property forming the subject of commercial intercourse. Such property, wherever found, is liable to seizure, and the only redress of parties who think themselves aggrieved, is by appeal to the Secretary of the Treasury, who is invested by and with full power of mitigation and remission.

The 1st section of the Act, approved August 6th, declares "that

if any person or persons, his, her, or their agent, attorney, or employé, shall purchase, or acquire, sell or give any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed in aiding or abetting or promoting such insurrection, . . . or any person or persons engaged therein; or if any person or persons, being the owners of any such property, shall knowingly use or employ, or suffer the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found."

No doubt can be entertained that this section was well considered, and that its operation was intended to be limited to property used in furtherance of the insurrection only.

Seizures under the Act of July 13 should be made by the officers or under the direction of the officers of the Treasury Department, and all district attorneys and marshals of The United States should afford all practicable counsel and aid in the execution of the law.

Seizures under the Act of August 6 should be made by the marshal of the district in which such property may be found, under the general or particular direction of the district attorney, or other superior authority. For such seizures there is no power of mitigation or remission in the Secretary of the Treasury, but the district attorney, or other superior authority, may direct the discontinuance of any proceeding in relation thereto, and the restoration of the property seized.

It will be seen, from an inspection of the Acts of Congress, that no property is confiscated or subjected to forfeiture except such as is in transit, or provided for transit, to and from insurrectionary States, or used for the promotion of the insurrection. Real estate, bonds, promissory notes, moneys on deposit, and the like, are therefore not subject to seizure or confiscation in the absence of evidence of such unlawful use. All officers, while vigilant in the prevention of the conveyance of property to or from The United States, or the use of it for insurrectionary purposes, are expected to be careful in avoiding unnecessary vexation and cost by seizures not warranted by law.

WILLIAM H. SEWARD, *Secretary of State.*

(No. 99.)—*Lord Lyons to Mr. Seward.*

SIR,

Washington, October 5, 1861.

I AM requested by the Governor-General of Canada to call the attention of the Government of The United States to a violation of the British territory which appears to have been committed by an officer with a party of United States' soldiers from Detroit, in pursuit of deserters. The inclosed copy of a telegram addressed to

the Provincial Secretary by the Sheriff of the county of Essex, in Canada West, will put you in possession of the facts.

The Governor-General entertains no doubt that the Government of The United States will view with great regret a proceeding of this kind, and will express their disapprobation of the conduct of their officer.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 100.—*Lord Lyons to Mr. Seward.*

SIR,

Washington, October 14, 1861.

HER Majesty's Government were much concerned to find that two British subjects, Mr. Patrick and Mr. Rahming, had been subjected to arbitrary arrest; and although they had learnt from a telegraphic despatch from me that Mr. Patrick had been released, they could not but regard the matter as one requiring their very serious consideration.

Her Majesty's Government perceive that when British subjects, as well as American citizens, are arrested, they are immediately transferred to a military prison, and that the military authorities refuse to pay obedience to a writ of *habeas corpus*.

Her Majesty's Government conceive that this practice is directly opposed to the maxim of the Constitution of The United States "that no person shall be deprived of life, liberty, or property, without due process of law."

Her Majesty's Government are willing, however, to make every allowance for the hard necessities of a time of internal trouble; and they would not have been surprised if the ordinary securities of personal liberty had been temporarily suspended, nor would they have complained if British subjects, falling under suspicion, had suffered from the consequences of that suspension.

But it does not appear that Congress has sanctioned in this respect any departure from the due course of law; and it is in these circumstances that the Law Officers of the Crown have advised Her Majesty's Government that the arbitrary arrests of British subjects are illegal.

So far as appears to Her Majesty's Government the Secretary of State of The United States exercises, upon the reports of spies and informers, the power of depriving British subjects of their liberty, of retaining them in prison, or liberating them by his own will and pleasure.

Her Majesty's Government cannot but regard this despotic and arbitrary power as inconsistent with the Constitution of The United States, as at variance with the Treaties of Amity subsisting between the two nations, and as tending to prevent the resort of British subjects to The United States for purposes of trade and industry.

Her Majesty's Government have therefore felt bound to instruct me to remonstrate against such irregular proceedings, and to say that, in their opinion, the authority of Congress is necessary in order to justify the arbitrary arrest and imprisonment of British subjects.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 101.—Lord Lyons to Mr. Seward.

SIR,

Washington, October 15, 1861.

WITH reference to the note which I had the honour to address to you on the 5th instant, I have now the honour to transmit to you a copy of a letter from Mr. Billings, Justice of the Peace in the county of Essex, in Canada West, to the Sheriff of the same county, giving details of the proceedings of the party of United States' soldiers from Detroit who entered the British territory in pursuit of deserters.

This paper has been communicated to me by the Governor-General of Canada, who informs me that he has approved the conduct of Mr. Billings, as set forth in it, and who requests me formally to call the attention of the Government of The United States to the matter.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 102.—Lord Lyons to Mr. Seward.

SIR,

Washington, October 15, 1861.

I HAVE the honour to submit to you herewith copies of a despatch and its inclosures which I have received from the Governor-General of Canada, relative to an attempt which appears to have been made to raise recruits in Canada for The United States' army.

In compliance with the request of the Governor-General, I beg to call the particular attention of the Government of The United States to the conduct of the person who announced himself as Lieutenant-Colonel Davies.

I have, &c.

W. H. Seward, Esq.

LYONS.

(Inclosure.)—Handbill.

Detroit, September 1861.

500 men wanted at Detroit, Michigan.

STEADY employment will be given to active young men, of good habits and character, accustomed to farm labour and the care of horses.

I will pay good wages, 13 dollars per month and upwards, with good board and clothing, and will allow to all employed travelling expenses to this place, upon the certificate of the Railroad Ticket

Agent at the station at which fares are paid will give, which all will be sure to get. Apply at my store, No. 144, Jefferson Avenue, Detroit.

J. W. TILLMAN.

No. 103.—*Mr. Seward to Lord Lyons.*

MY LORD, *Washington, October 14, 1861.*

I HAVE the honour to acknowledge your Lordship's note of the present date.

In that paper you inform me that the British Government is much concerned to find that two British subjects, Mr. Patrick and Mr. Rahming, have been brought under arbitrary arrest, and that although Her Majesty's Ministers have been advised by you of the release of Mr. Patrick, yet they cannot but regard the matter as requiring the very serious consideration of that Government.

You further inform me that Her Majesty's Government perceive that when British subjects as well as American citizens are arrested, they are transferred to a military prison, and that the military authorities refuse to pay obedience to a writ of *habeas corpus*.

You add, that Her Majesty's Government conceive that this practice is directly opposed to the maxim of the Constitution of The United States, that no person shall be deprived of life, liberty, or property, without due process of law. You then observe, that Her Majesty's Government are, nevertheless, willing to make every allowance for the hard necessities of a time of internal trouble, and they would not have been surprised if the ordinary securities of personal liberty had been temporarily suspended, nor would they have complained if British subjects falling under suspicion had suffered from the consequences of that suspension. But that it does not appear that Congress has sanctioned in this respect any departure from the due course of law, and it is in these circumstances that the Law Officers of the Crown have advised Her Majesty's Government that the arrests of British subjects are illegal.

You remark further that, so far as appears to Her Majesty's Government, the Secretary of State for The United States exercises, upon the reports of spies, and assumes the power of depriving British subjects of their liberty, or liberating them by his own will and pleasure; and you inform me that Her Majesty's Government cannot but regard this despotic and arbitrary power as inconsistent with the Constitution of The United States, as at variance with the Treaties of Amity subsisting between the two nations, and as tending to prevent the resort of British subjects to The United States for purposes of trade and industry. You conclude with informing me that, upon these grounds, Her Majesty's Government

have felt bound to instruct you to remonstrate against such irregular proceedings, and to say that, in their opinion, the authority of Congress is necessary in order to justify the arbitrary arrest and imprisonment of British subjects.

The facts in regard to the two persons named in your note are as follows :

Communications from the regular police of the country to the Executive at Washington showed that disloyal persons in the State of Alabama were conducting treasonable correspondence with confederates, British subjects and American citizens in Europe, aimed at the overthrow of the Federal Union by armed forces actually in the field and besieging the capital of The United States. A portion of this correspondence which was intercepted was addressed to the firm of Smith and Patrick, brokers, long established, and doing business in the city of New York. It appeared that this firm had a branch at Mobile; that the partner, Smith, is a disloyal citizen of The United States, and that he was in Europe when the treasonable papers were sent from Mobile, addressed through the house of Smith and Patrick, in New York. On receiving this information, William Patrick was arrested and committed into military custody at Fort Lafayette, by an order of the Secretary of War of The United States, addressed to the police of the city of New York. These proceedings took place on the 28th of August last.

Representations were thereupon made to the Secretary of State by friends of Mr. Patrick to the effect that, notwithstanding his associations, he was personally loyal to this Government, and that he was ignorant of the treasonable nature of the correspondence which was being carried on through the mercantile house of which he was a member. Directions were thereupon given by the Secretary of State to a proper agent to inquire into the correctness of the facts thus presented, and this inquiry resulted in the establishment of their truth. Mr. William Patrick was thereupon promptly released from custody by direction of the Secretary of State. This release occurred on the 13th day of September last.

On the 2nd day of September the Superintendent of Police in the city of New York informed the Secretary of State by telegraph, that he had under arrest J. C. Rahming, who had just arrived from Nassau, where he had attempted to induce the owners of the schooner *Arctic* to take cannon to Wilmington, in North Carolina, for the use of the rebels; and inquired what should he do with the prisoner. J. C. Rahming was thereupon committed into military custody at Fort Lafayette, under a mandate from the Secretary of State. This commitment was made on the 2nd day of September. On the 17th day of that month, this prisoner, after due inquiry, was released from custody on his executing a bond in the penalty of

2,500 dollars, with a condition that he should thereafter bear true allegiance to The United States, and do not act hostile or injurious to them while remaining under their protection.

I have to regret that after so long an official intercourse between the Governments of The United States and Great Britain, it should be necessary now to inform Her Majesty's Ministers that all Executive proceedings, whether of the Secretary of War or of the Secretary of State, are, unless disavowed or revoked by the President, proceedings of the President of The United States.

Certainly it is not necessary to announce to the British Government now that an insurrection, attended by civil war, and even social war, was existing in The United States when the proceedings which I have thus related took place. But it does seem necessary to state, for the information of that Government, that Congress is, by the Constitution, invested with no executive power or responsibility whatever; and, on the contrary, that the President of The United States is, by the Constitution and laws, invested with the whole executive power of the Government, and charged with the supreme direction of all municipal or ministerial civil agents, as well as of the whole land and naval forces of the Union, and that, invested with those ample powers, he is charged by the Constitution and laws with the absolute duty of suppressing insurrection, as well as of preventing and repelling invasion; and that, for these purposes, he constitutionally exercises the right of suspending the writ of *habeas corpus*, whenever and wheresoever, and in whatsoever extent, the public safety, endangered by treason or invasion in arms, in his judgment requires.

The proceedings of which the British Government complain were taken upon information conveyed to the President by legal police authorities of the country, and they were not instituted until after he had suspended the great writ of freedom in just the extent that, in view of the perils of the State, he deemed necessary. For the exercise of that discretion, he, as well as his advisers, among whom are the Secretary of War and the Secretary of State, is responsible by law before the highest judicial tribunal of the Republic, and amenable also to the judgment of his countrymen, and the enlightened opinion of the civilized world.

A candid admission contained in your letter relieves me of any necessity for showing that the two persons named therein were neither known nor supposed to be British subjects when the proceedings occurred; and that in every case subjects of Her Majesty residing in The United States, and under their protection, are treated during the present troubles in the same manner, and with no greater or less rigour, than American citizens.

The military prison which was used for the purpose of detention

of the suspected parties is a fort constructed and garrisoned for the public defence. The military officer charged with their custody has declined to pay obedience to the writ of *habeas corpus*, but the refusal was made in obedience to an express direction of the President, in the exercise of his functions as Commander-in-chief of all the land and naval forces of The United States. Although it is not very important, it certainly is not entirely irrelevant to add that, so far as I am informed, no writ of *habeas corpus* was attempted to be served, or was even sued out or applied for in behalf of either of the persons named; although in a case not dissimilar, the writ of *habeas corpus* was issued out in favour of another British subject, and was disobeyed by direction of the President.

The British Government have candidly conceded, in the remonstrance before me, that even in this country, so remarkable for so long an enjoyment by its people of the highest immunities of personal freedom, war, and especially civil war, cannot be conducted exclusively in the forms and with the dilatory remedies provided by municipal laws which are adequate to the preservation of public order in time of peace. Treason always operates, if possible, by surprise, and prudence and humanity therefore equally require that violence, concerted in secret, shall be prevented, if practicable, by unusual and vigorous precaution. I am fully aware of the inconveniences which result from the practice of such precaution, embarrassing communities in social life, and affecting, perhaps, trade and intercourse with foreign nations.

But the American people, after having tried in every way to avert civil war, have accepted it at least as a stern necessity. Their chief interest, while it lasts, is not the enjoyments of society, or the profits of trade, but the saving of the national life. That life saved, all the other blessings which attach to it will speedily return with greater assurance of continuance than ever before. The safety of the whole people has become, in the present emergency, the supreme law; and, so long as the danger shall exist, all classes of society, equally the denizen and the citizen, cheerfully acquiesce in the measures which that law prescribes.

This Government does not question the learning of the legal advisers of the British Crown, or the justice of the deference which Her Majesty's Government pays to them. Nevertheless, the British Government will hardly expect that the President will accept their explanations of the Constitution of The United States, especially when the Constitution, thus expounded, would leave upon him the sole executive responsibility of suppressing the existing insurrection, while it would transfer to Congress the most material and indispensable power to be employed for that purpose. Moreover, those explanations find no real support in the letter, much less in the

spirit, of the Constitution itself. He must be allowed, therefore, to prefer and be governed by the view of an organic national law which, while it will enable him to execute his great trust with complete success, receives the sanction of the highest authorities of our own country, and is sustained by the general consent of the people for whom alone the Constitution was established.

I avail, &c.

Lord Lyons.

WILLIAM H. SEWARD.

No. 105.—Mr. Seward to Lord Lyons.

MY LORD,

Washington, October 24, 1861.

YOUR note of the 15th instant relative to a supposed attempt to raise recruits in Canada for The United States' army was duly received and referred to the Secretary of War. I now have the honour to communicate to you a copy of a letter of this date from him on the subject, the explanation in which, it is hoped, will prove satisfactory to you and to Her Majesty's Government.

I have, &c.

Lord Lyons.

WILLIAM H. SEWARD.

(Inclosure.)—Mr. Cameron to Mr. Seward.

SIR,

Washington, October 24, 1861.

YOUR communication of the 17th instant, with inclosures from Lord Lyons, was duly received. This department has not given authority to any officer of the Government or any other person to raise recruits for military service in Canada. The particular case cited is without the slightest foundation in fact. The following has been received from Colonel F. W. Kellogg, of the 2nd Regiment of Michigan Cavalry:—"In reply to your inquiry about Colonel Davies and his visit to Canada I can only say that he asked leave of absence to visit some friends in Hamilton, 320 miles from where he is stationed; that he was neither requested nor authorized to enlist any person for The United States' army; that he was absent four days, and on his return informed me that he believed I could secure the services of a Captain Villiers if I would give him a Major's commission. In reply I told him that the Major of the regiment had been appointed while he was absent, and I would not offer a commission of any kind to Captain Villiers. This ended the matter, and was all I ever heard of Captain Villiers." All of which is respectfully submitted.

W. H. Seward, Esq.

SIMON CAMERON.

No. 108.—Mr. Seward to Lord Lyons.

MY LORD,

Washington, November 2, 1861.

I HAVE had the honour to receive your two communications

dated respectively the 5th and the 15th ultimo, relative to the pursuit of deserters from The United States in Canada.

Having referred the matter to the Secretary of War, I now have the honour to inclose you a copy of that officer's reply, which it is hoped will prove satisfactory to his Excellency the Governor-General of Canada, especially as it appears that the persons who went in quest of the deserters were unarmed, and had no intention to employ force for their apprehension, but merely to persuade them to return to their duty.

I avail, &c.

Lord Lyons.

WILLIAM H. SEWARD.

*(Inclosure.)—Lieut.-Colonel Buckers to Colonel Townsend, U.S.A.
(Extract.) Detroit, Michigan, October 21, 1861.*

YOUR letter of the 11th of October, in reference to the apprehension of deserters from The United States' army in Canada, was received on the 15th instant, but, owing to my indisposition, and the absence of Sheriff McEven, my answer has been delayed until the present date.

It appears, from all the evidence I have been able to collect, that, on the 21st of September ultimo, Captain Church, of the Michigan 8th Infantry Volunteers, was ordered by his Colonel, Fenton, to proceed from Fort Wayne, near Detroit, to Canada, with a party of four or five unarmed soldiers, and, if possible, to induce four deserters to return to the regiment. He was directed to use no force, but to persuade the men to return, on a promise that no proceedings should be had against them.

Captain Church proceeded to Canada with his unarmed party, found the men he sought, and was proceeding homeward with them when he was interrupted by a magistrate named W. H. Billings, with a posse of about 30 men, armed with rifles, and somewhat excited. A conversation occurred between the magistrate and Captain Church, which resulted in the release of the four deserters, as they informed the magistrate that they did not wish to return to The United States.

Captain Church and his party were not armed, but inasmuch as he was accused of being armed with seven-shooters and bowie-knives, he proposed that the magistrate should examine him and his party, which Mr. Billings declined to do.

Captain Church returned, without the deserters, to Fort Wayne.

Colonel Fenton is probably near Washington, or Annapolis, Indiana, with his regiment, and may throw more light on the subject than I can.

No violence or force was used towards the deserters, and neither Mr. Billings, J.P., nor Sheriff McEven seem to entertain the idea that Captain Church designed to use force in executing the duty assigned him.

Colonel Townsend.

E. BUCKERS.

No. 109.—Lord Lyons to Earl Russell.—(Received November 19.)

MY LORD,

Washington, November 4, 1861.

MR. SEWARD spoke to me, the day before yesterday, respecting the admission of the Confederate vessel *Sumter* into British and Dutch ports.*

With regard to the Dutch Government, Mr. Seward said that he had been obliged to cause very serious remonstrances to be addressed to them, but that he had now been informed that they had given orders that the Southern privateers should not be allowed to remain more than 24 hours in a Dutch port. It was true, he said, that it had been declared that these orders had not been issued in deference to the representations of The United States' Government: but this was immaterial; so long as the privateers were excluded in practice, he did not care to inquire on what ground that was done.

Mr. Seward then mentioned the reception of the *Sumter* at Trinidad, and alluded to your Lordship's note to Mr. Adams of the 4th of October, on the subject. He said he had been obliged to send immediately instructions to Mr. Adams with regard to that note. He did not tell me the nature of those instructions, but he spoke to me of the affair in a tone of complaint, and dwelt especially on the length of time during which the *Sumter* had been allowed to remain at Trinidad, and on the supplies which she had obtained there. He said that France, and, he thought, all the other Powers of Europe, refused to allow privateers to remain for more than 24 hours in their ports. He could hardly conceive that England wished to stand alone as the only Power which admitted the enemies of The United States, without restriction, into its harbours. He supposed that the matter could hardly have been presented in this light to Her Majesty's Government.

I observed to Mr. Seward, that I supposed that in this matter each Power had looked back to precedents, and taken the course which had been usual with it on similar occasions in former times. In one point the English rule was, I said, more stringent than that of France and many other Powers, for armed vessels were not allowed to carry their prizes into British ports for any time, however short.

* See Correspondence between United States and Netherlands, page 137.

Mr. Seward did not pursue the conversation. He merely said that he had wished to mention the matter to me in the hope that I might do something towards getting it satisfactorily settled.

I have, &c.

Earl Russell.

LYONS.

No. 110.—Lord Lyons to Earl Russell.—(Received November 19.)
(Extract.) *Washington, November 4, 1861.*

In my immediately preceding despatch of this date, I have reported to your Lordship the substance of observations which Mr. Seward made to me the day before yesterday, with regard to the reception of "Confederate vessels" in British ports. Mr. Seward concluded by saying that he earnestly wished this matter could be satisfactorily settled, because it now constituted the only "difficulty" between The United States and Great Britain. Perceiving that I did not immediately assent to this, Mr. Seward added, "It is, at all events, the only question we have against you; you may, perhaps, have something against us."

I thought it well to take advantage of the opening thus given to me, and to make some remarks to Mr. Seward on certain matters in which it appears to me that the course taken by The United States' Government is likely to have an unfortunate effect on the relations between the two countries.

I said to Mr. Seward that I could not but think that the extreme punctiliousness which he displayed with regard to communications between the British and French Governments and the *de facto* Government in the South was neither politic nor reasonable: the effect of it must be to keep open a constant source of irritation. It was impossible that such communications should not take place. Under present circumstances there was no authority in the Southern States which could afford protection to the persons and property of the large number of British and French subjects established in those States, except the so-called Confederate Government. It was impossible, therefore, that we should "ignore" the existence of that Government. The necessary intercourse with it had been hitherto carried on in the most unofficial manner, and with the most delicate regard to the susceptibility of the Government and people of The United States. Was it a reasonable ground of complaint, or of strong—or, at least, discourteous—proceedings on the part of the Cabinet of Washington? To put an extreme case—which, however, might not impossibly have happened in old times in Italy—suppose a band of brigands obtained possession of a town in which there were foreign Consuls, foreign residents, and foreign property: could the Government of the country be justly offended if the Consuls made the best terms they could for their countrymen with

the chief of the brigands, so long as their lives and fortunes were in his hands? I proceeded to give some instances of matters in which communication with the Southern *de facto* authorities was necessary. I mentioned, among other cases, that of British property on board a vessel captured by a Southern privateer. Was it an offence to The United States if the British Consul should take steps to obtain the restitution of this property? Was it wise to push England and France to the wall? What could be the advantage of rendering it difficult to conduct this necessary intercourse in the quiet and unobtrusive manner which had been adopted?

Mr. Seward said that probably he should not think it necessary to take notice of an application for the [restitution of captured property.

I went on to say that there was another matter which caused me still more serious alarm. The numerous military arrests of British subjects, and, I was pained to add, the ill-treatment to which in some instances British subjects had been exposed, constituted in my eyes a grave danger to the cordial relations between the two countries. I mentioned the case of the nine seamen so unjustifiably treated in Fort Lafayette, and said that there were, I was afraid, instances in which the crews of British vessels captured for alleged breach of blockade had been placed in irons or subjected to other indignities. These things had, I knew, made a very painful impression upon Her Majesty's Government. They would have a great effect upon public opinion in England; the English people did not enter far into abstract questions of national dignity, but they felt very strongly on the subject of the treatment of their fellow-countrymen abroad; nothing inspired them with so strong or so lasting a resentment as injuries and indignities inflicted by foreign Governments on Her Majesty's subjects.

Mr. Seward replied that he had already sent me a written answer respecting the nine seamen, and that as to the recent arrests they had almost all been made in view of the Maryland elections; that those elections would be over in about a week's time, and that he hoped then to be able to set at liberty all the British subjects now under military arrest.

Earl Russell.

LYONS.

No. 112.—Earl Russell to Lord Lyons.

MY LORD,

Foreign Office, November 22, 1861.

I HAVE received your despatch of the 4th instant, reporting the substance of a conversation you had had with Mr. Seward relative to the reception of the privateers and vessels of the so-styled Confederate States in foreign ports, and I have to state to you that it appears from that despatch that Mr. Seward never

chooses to understand the position of Her Majesty's Government. Her Majesty has declared entire neutrality in the unhappy contest now carried on in The United States. Her Majesty admits the ships of war and privateers of The United States to British ports, there to remain to victual and take in coals. If Her Majesty were to refuse similar facilities to the vessels of war and privateers of the so-styled Confederate States, Her Majesty would be at once declaring herself a party to the war.

If Mr. Seward is desirous that the ships of war of the Confederate States should not be allowed to stay more than 24 hours in a British port, he should declare it in plain terms. In any case Her Majesty's Government are determined to treat the ships of war and privateers of the so-styled Confederate States in the same manner as the ships of war and privateers of The United States.

I am, &c.

Lord Lyons.

RUSSELL.

No. 113.—*Earl Russell to Lord Lyons.*

MY LORD,

Foreign Office, November 22, 1861.

SOME misapprehension appears to have prevailed in respect to the note which your Lordship addressed to Mr. Seward regarding the two British subjects, Messrs. Patrick and Rahming.

Your Lordship very properly, according to the instructions I had given, stated to Mr. Seward that in the opinion of the Law Officers the arrest of British subjects, and the refusal of the writ of *habeas corpus*, was illegal.

It seems to have been inferred, and Mr. Seward himself countenances this mistake, that the British Government pretended to set up their reading of the American Constitution as of greater authority than the authority of the President of The United States.

Such was obviously not your Lordship's meaning nor mine. It is necessary in every case where a British subject complains, to consult the law of the country in which the complaint arises.

Thus when a British subject complained last year of detention in a Prussian prison, Her Majesty's Government took pains to ascertain the provisions of the Prussian law on the subject. Thus a few days ago I directed Her Majesty's Minister at Madrid to complain of the treatment of a British vessel and her commander on the ground that the Spanish law had been violated by that treatment.

It is obvious that, so long as the British or any other Government complains of the violation of right, it is necessary to ascertain the nature of the laws of which the violation is alleged. Otherwise the complaint can only be directed against harshness of administration and excess of rigour.

That Her Majesty's Government were not singular in believing that the writ of *habeas corpus* can only be suspended by authority of Congress has, since the date of your note, been abundantly shown. A judge issues a writ of *habeas corpus* to bring up the body of a minor enlisted and detained in the ranks of The United States' army; not only is the writ disobeyed, but a sentinel is placed at the door of the judge. The Circuit Court, of which he is a member, having the matter before them, decide that they do not doubt their power to regard the return made by the Deputy-Marshall as insufficient in law, and to proceed against the officer who made it, and that if they do not proceed further, it is because they have no physical power. If this view required confirmation, it may be said that very able lawyers have written in support of this doctrine.

To recur, however, to the remonstrance which I directed your Lordship to address to Mr. Seward, I have to observe that Her Majesty's Government never had it in contemplation to controvert an authoritative declaration of the law of The United States in respect to the liberty of persons residing therein.

What Her Majesty's Government doubted was, the authority of the President to set aside the law and privilege of *habeas corpus* by his sole will and pleasure. That doubt has been shared by the Circuit Court of Washington, and by many of the most eminent lawyers of a country fertile in men of legal attainments and judicial fame.

In the particular case of Mr. Patrick, it appears that that gentleman was a partner in a firm with another gentleman who has taken part with the South, and that the correspondence of enemies to the Government was supposed to be conveyed by means of their firm.

When it is considered that a year ago two members of a firm who belonged one to the Northern and the other to the Southern States were considered equally loyal citizens; that a commercial firm cannot be dissolved in a day; that letters sent through a firm are not usually submitted to the principal partners of that firm; that no pains were taken to ascertain the character and political sentiments of Mr. Patrick before he was subjected to the indignity and pain of an arrest, this case unavoidably suggests the reflection that the possession of arbitrary power, in whatever hands it may be placed, is sure to lead to abuse.

Among the necessities of civil war this wanton capricious arrest of Mr. Patrick cannot be reckoned, and the remonstrance of Her Majesty's Government must remain on record.

You may give a copy of this despatch to Mr. Seward.

I am, &c.

RUSSELL.

Lord Lyons.

No. 114.—Lord Lyons to Earl Russell.—(Received November 25.)

MY LORD,

Washington, November 9, 1861.

WITH reference to my despatch of the 4th instant, I have the honour to inform your Lordship that this morning Mr. Seward spoke to me again on the subject of the admission of Confederate vessels into British ports. He used very nearly the same language on this as on the former occasion. He seemed, however, to wish now to be understood as requesting me positively to suggest to Her Majesty's Government to adopt the rule in this respect which had, he said, been adopted by all the other Powers of Europe. He seemed to desire to make this suggestion through me, rather than in a more formal manner through The United States' Minister in London.

I said to Mr. Seward that Great Britain had, I thought, been the first Power to place any restriction upon the admission into her ports of the armed vessels of the belligerents in the present war; and that she had no doubt followed the precedents afforded by her own previous conduct in similar cases. I did not make any difficulty about conveying Mr. Seward's suggestion to your Lordship, but I did not express any opinion as to the reception it would meet with.

I have, &c.

Earl Russell.

LYONS.

*No. 115.—Messrs. Yancey, Rost, and Mann to Earl Russell.
(Received November 30.)*

London, November 30, 1861.

THE Undersigned have been instructed by the President of the Confederate States to communicate to Her Britannic Majesty's Government copies of the list of vessels which have arrived at and departed from the various ports of the Confederate States since the proclamation of a blockade of those ports, up to the 20th of August last, by which it will be seen that up to that time more than 400 vessels had arrived and departed unmolested.

Since the date of these reports, other and most important violations of the blockade are known to have occurred. The Undersigned will instance a few of the most prominent and well-known:

The British steamer *Bermuda* went into the port of Savannah from Falmouth, England, on the 28th of September, and left that port for Havre on the 1st instant.

The Confederate States' steamer *Theodora* left Charleston on or about the 1st of October, put to sea, and returned on the same day.

The same steamer left Charleston on the 11th of October for Havana, proceeded to that port, took in cargo, and entered the port of Savannah about the 20th of the same month.

The Confederate ship *Helen* left the port of Charleston on the 2nd of November, and arrived at Liverpool on the 25th instant.

Three ships, with cargoes, arrived from Havana in the Confederate port of Savannah about the 24th of October.

On the 26th of October the Confederate States' steamer *Nashville* left the port of Charleston, and arrived at Southampton on the 21st instant.

It was declared by the 5 great European Powers, at the Conference of Paris, that "blockades, to be binding, must be effective—that is, maintained by a force sufficient really to prevent access to the enemy's coast; a principle long before sanctioned by leading publicists, and now acknowledged by all civilized nations. When these resolutions were communicated to the Government of The United States, though that relating to privateers was rejected (without a required modification), the principle there applied to blockades was unequivocally affirmed. On the 13th of August last the Government of the Confederate States acknowledged the same principle, in its full extent, by a declaration of its Congress.

The Undersigned confidently submit that the annexed list of vessels that have arrived at and cleared from the ports of the Confederate States since the blockade was proclaimed by the Government of The United States, is conclusive evidence that this blockade has not been effective, and is therefore not binding.

May not the Government of the Confederate States, then, fairly suggest that the 5 great Powers owe it to their own consistency, to the rule of conduct so formally laid down for their guidance, and to the commercial world (so deeply interested), to make good their declaration, so solemnly and publicly made? Propositions of such gravity, and emanating from sources so high, may fairly be considered as affecting the general business relations of human society, and as controlling, in a great degree, the calculations and arrangements of nations, so far as they are concerned in the rules thus laid down. Men have a right to presume that a law thus proclaimed will be universally maintained by those who have the power to do so, and who have taken it upon themselves to watch over its execution; nor will any suppose that particular States or cases would be exempted from its operation under the influence of partiality or favour. If, therefore, we can prove the blockade to have been ineffectual, we perhaps have a right to expect that the nations assenting to this declaration of the Conference at Paris will not consider it to be binding. We are fortified in this expectation, not only by their own declarations, but by the nature of the interests affected by the blockade. So far, at least, it has been proved that the only certain and sufficient source of cotton supply has been found in the Confederate States. It is probable that there are more people without than within the Confederate States who derive their means of living from the various uses which are made of this important

staple. A war, therefore, which shuts up this great source of supply from the general uses of mankind is directed as much against those who transport and manufacture cotton as against those who produce the raw material. Innocent parties who are thus affected may well insist that a right whose exercise operates so unfavourably on them shall only be used within the strictest limits of public law. Would it not be a movement more in consonance with the spirit of the age to insist that, among the many efficient means of waging war, this one should be excepted in deference to the general interests of mankind, so many of whom depend for their means of living upon a ready and easy access to the greatest and cheapest cotton-market of the world? If, for the general benefit of commerce, some of its great routes have been neutralized, so as to be unaffected by the chances of war, might not another interest, of a greater and more world-wide importance, claim at least so much consideration as to demand the benefit of every presumption in favour of its protection against all the chances of war save those which arise under the strictest rules of public war?

This is a question of almost as much interest to the world at large as it is to the Confederate States. No belligerent can claim the right thus to injure innocent parties by such a blockade, except to the extent that it can be shown to furnish the legitimate, or, perhaps we might go still further and say, the necessary means to prosecute the war successfully. If it has become obvious, as would now seem to be the case, that no blockade which they can maintain will enable the United to subdue the Confederate States of America, upon what plea can its further continuance be justified to third parties who are so deeply interested in a ready and easy access to the cheapest and most abundant sources of cotton supply? Perhaps we had the right to expect, inasmuch as by the Proclamation of Her Britannic Majesty neutrality had been declared as between the belligerents, that one of the parties would not have been allowed to close the ports of the other by a mere proclamation of blockade without an adequate force to sustain it.

The Undersigned submit to Her Majesty's Government that a real neutrality calls for a rigid observance of international and municipal law in their application to both belligerents, and that a relaxation of the principles of public law in favour of one of the parties violating them can be nothing more nor less than an injury done to that extent to the other side. Any considerations of sympathy for the embarrassed condition of The United States, if allowed to relax the application of those laws, must be justly considered as so much aid and comfort given to them at the expense of the Confederate States, and the Undersigned cannot for a moment believe that such a policy can influence Her Majesty's Government.

The Undersigned have forborne to press these great questions upon the attention of Her Majesty's Government with that assiduity which, perhaps, the interests of the Confederate States would have justified, knowing the great interests of Her Majesty's Government in the preservation of friendly relations with both the belligerent Powers. They cannot but think that the facts connected with this nominal blockade, and the great interests of the neutral commerce of the world, imperatively demand that Her Majesty's Government should take decisive action in declaring the blockade ineffective.

These views are affirmed as much in the general interests of mankind as in that of the Confederate States, who do not ask for assistance to enable them to maintain their independence against any Power which has yet assailed them.

The Undersigned have been further instructed by their Government to communicate to that of Her Britannic Majesty a copy of Resolutions adopted by the Congress of the Confederate States August 13, 1861. It is annexed as Inclosure No. 2.

The Undersigned, &c.

W. L. YANCEY.

P. H. ROST.

A. DUDLEY MANN.

Earl Russell.

(Inclosure 1.)—*List of Vessels which have broken the Southern Blockade.*

(Inclosure 2.)—*Resolution touching certain Points of Maritime Law, and defining the Position of the Confederate States in respect thereto.—August 13, 1861.*

WHEREAS the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, in a Conference held at Paris on the 16th of April, 1856,* made certain declarations concerning maritime law, to serve as uniform rules for their guidance in all cases arising out of the principles thus proclaimed;

And whereas, it being desirable not only to attain certainty and uniformity, as far as may be practicable, in maritime law, but also to maintain whatever is just and proper in the established usages of nations, the Confederate States of America deem it important to declare the principles by which they will be governed in their intercourse with the rest of mankind: Now, therefore, be it

Resolved by the Congress of the Confederate States of America;

1st. That we maintain the right of privateering, as it has been long established by the practice and recognized by the law of nations.

2nd. That the neutral flag covers enemy's goods, with the exception of contraband of war.

3rd. That neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

4th. That blockades, in order to be binding, must be effectual; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

Signed by the President of Congress, on the 13th August, and approved same day by the President of the Confederate States of America.

No. 119.—Earl Russell to Acting Consul Cridland.

SIR, *Foreign Office, December 6, 1861.*

LORD LYONS has transmitted to me a copy of your despatch of the 19th of October respecting certain proceedings which have been instituted in the District Court of the Confederate States of America for the eastern district of Virginia, for putting into operation the Sequestration Act of the Confederate Congress in regard to certain merchandize supposed to be owned by a foreign house at New York, and in which Messrs. Rothschild of London are also considered to be interested.

The Congress of the Confederate States appears to have enacted by an Act of the 21st of August last, that property of whatever nature, except public stocks and securities, held by an alien enemy since 21st May, 1861, shall be sequestered and appropriated in the manner pointed out in the Act; and the Attorney-General of the Confederate States has distinctly laid down in an instruction dated September 12, that all persons who have a domicile within the States with which the Government of the Confederate States is at war, no matter whether they be citizens or not of such Government, are subject to the provisions of the Act.

Her Majesty's Government have received urgent representations from parties in this country connected in business with, and having establishments in, the Northern States of America, of the hardship and injustice which this Act of the Confederate States, if applied to British subjects domiciled in The United States, cannot fail to inflict upon them.

Now, whatever may have been the abstract rule of the law of nations on this point in former times, the instances of its application in the manner contemplated by the Act of the Confederate Congress, in modern and more civilized times, are so rare and have been so generally condemned that it may almost be said to have become obsolete. The conclusion expressed by Wheaton on the subject ("Elements," 6th edition, page 369) is as follows:

"It appears, then, to be the modern rule of international usage,

that property of the enemy found within the territory of the belligerent State, or debts due to his subjects by the Government or individuals at the commencement of hostilities, are not liable to be seized and confiscated as prize of war. This rule is frequently enforced by Treaty stipulations, but unless it be thus enforced it cannot be considered as an inflexible, though an established, rule. The rule, as it has been beautifully observed, like other precepts of morality, of humanity, and even of wisdom, is addressed to the judgment of the Sovereign; it is a guide which he follows or abandons at his will, and although it cannot be disregarded by him without obloquy, yet it may be disregarded. It is not an immutable rule of law, but depends on political considerations which many continually vary."

The observations of Wheaton which I have cited apply to the existence of an ordinary state of war between two independent and foreign nations. But in the present case they apply with still more force against the exercise of the right in question; for the present is a case of civil war between the different parts of one Confederation, during whose union the subjects of foreign States were invited and induced to settle indiscriminately in its various States, without any ground for contemplating such a disruption as has now occurred. No notice has been given to them, nor time allowed, which would enable them to prepare for such an emergency, or to separate their affairs from those of the citizens of either belligerent; and though technically they are liable to be considered enemies by one or other of the belligerents, as the case may be, it is impossible to treat them as such without gross injustice and a breach of that faith to which every State of the American Union was originally a party.

Under these circumstances I have to instruct you to remonstrate strongly with the Secretary of State of the so-called Confederate States on the hardship and injustice of confiscating the property of neutrals under the Sequestration Act of the Confederate Congress.

I am, &c.

F. J. Oridland, Esq.

— RUSSELL.

No. 120.—Earl Russell to Her Majesty's Consuls in the Confederate States.

SIR,

Foreign Office, December 6, 1861.

I TRANSMIT to you herewith, for your information and guidance a copy of an instruction which I have addressed to Her Majesty's Acting Consul at Richmond, in Virginia, respecting the Sequestration Act of the Confederate Congress on the 21st of August last; and I have to instruct you, if the necessity for doing so should arise, to protest, on the grounds stated in that instruction,

against the confiscation of British property in your district under the Act in question.

I am, &c.

Her Majesty's Consuls in the Confederate States.

RUSSELL.

*No. 123.—Circular to Collectors and other Officers of The United States' Customs respecting the Seizure of Ships under Act of July 12, 1861.**

Treasury Department, November 12, 1861.

THE following regulations will be observed in regard to seizures of vessels made in pursuance of the 6th section of the Act of July 12, 1861 :

First. All such seizures must be made by the Collector of Customs, or other proper revenue officer, except in case of his absence or disability, or where immediate action is necessary, and no such officer is at hand to make the seizure.

Second. In all cases of seizure the collector, or other officer acting in his stead, shall notify the proper district attorney, who will at once institute proceedings for the condemnation of the vessel. After the commencement of such proceedings, if it shall appear to the satisfaction of the district attorney instituting them that the vessel is owned in part by persons not citizens of any State or part of a State in insurrection against The United States, and not residing therein, and that she will not be employed in aiding the existing rebellion, or in violating any law of The United States, such vessel may be discharged on bail being given, according to the course of Admiralty proceedings, for the share or shares owned by any person or persons residing in any such insurgent State or part of State; in which case the proceedings so instituted will be prosecuted, without delay, to condemnation and sale of such insurgent interest, and as to the remainder of the vessel, the forfeiture thereof will be remitted.

Third. Should there be any unusual delay in the commencement of such proceedings, or should there be any other circumstances rendering it proper, in the judgment of the collector, or other officer acting in his stead, that the vessel should be released from custody before the commencement of proceedings, the same may be done; provided the collector or other officer acting in his stead shall be satisfied that no such improper use as before mentioned, is to be made of said vessel; and one or more of the owners residing in loyal States shall give a bond, with sufficient sureties, to The United States, in double the value of the share or shares thereof owned in any such insurgent State or part of a State, with the condition that the vessel shall be safely, and in good order, returned to the collector or other officer in whose custody she may be, within such time as he

* Page 213.

shall direct, and without any change in the ownership of said share or shares; and with the further condition that the vessel shall at all times be subject to any order or decree of the court in which any proceedings for her condemnation may be instituted, or of any appellate court to which the same may be removed; and with the further condition that any costs or other moneys which shall be awarded by either of said courts in said proceedings shall be paid; together with such other conditions as the collector or other officer shall deem just and expedient, in order to secure the objects contemplated by the Act aforesaid. The execution of such bond and the discharge of the vessel shall not delay the institution or prosecution of proceedings for the condemnation of the insurgent interest, but the same shall be commenced and prosecuted, in all respects, so far as practicable, in the same manner as if the vessel still remained in the custody of the officer.

The district attorney will notify the collector, or other officer making the seizure in his stead, of the commencement of proceedings for the condemnation of the vessel, of the time of trial of the suit, of the result of the trial, and of the time of sale (if a sale be ordered), and the result thereof.

S. P. CHASE, *Secretary of the Treasury.*

No. 124.—Earl Russell to Messrs. Yancey, Rost, and Mann.

Foreign Office, December 7, 1861.

LORD RUSSELL presents his compliments to Mr. Yancey, Mr. Rost, and Mr. Mann. He has had the honour to receive their letters and inclosures of the 27th and 30th of November; but, in the present state of affairs, he must decline to enter into any official communication with them.

Messrs. Yancey, Rost, and Mann.

No. 128.—Earl Russell to Lord Lyons.

MY LORD, *Foreign Office, December 20, 1861.*

You may speak to Mr. Seward on the subject of letters of marque.

Should Great Britain and The United States ever unhappily be at war against each other, Her Majesty will be ready to relinquish her prerogative, and abolish privateering as between the two nations, provided the President would be ready to make a similar engagement on the part of The United States. I am, &c.

Lord Lyons.

RUSSELL.

No. 132.—Earl Russell to Mr. Adams.

SIR, *Foreign Office, January 8, 1862.*

WITH reference to my letter of the 8th of October last relative

to the alleged consignments to Mr. Henry Adderley, of Nassau, New Providence, of warlike stores for the use of the forces of the so-styled Confederate States, I have now the honour to inform you that the Secretary of State for the colonies has communicated to me a copy of a despatch from the Lieutenant-Governor of the Bahamas, inclosing a copy of a letter which his Excellency has received from Mr. Adderley, denying the allegations brought against him, together with a report from the Receiver-General of the port of Nassau stating that no warlike stores have been received at that port, either from Great Britain or elsewhere, and that no munitions of war have been shipped from thence to the Confederate States.

I am, &c.

The Hon. F. C. Adams.

RUSSELL.

No. 133.—Mr. Adams to Earl Russell.—(Received January 13.)

MY LORD,

London, January 10, 1862.

I HAVE the honour to acknowledge the reception of a note from your Lordship of the 8th instant, in reply to mine of the 1st of October last, soliciting the attention of Her Majesty's Government to certain passages of an intercepted letter of one Baldwin, of Richmond, in Virginia, tending to throw suspicion upon Mr. Henry Adderley, of Nassau, New Providence, as privy to the transmission of warlike stores from Great Britain through that point to the insurgents in The United States.

It gives me, as I doubt not it will give the Government which I have the honour to represent, the highest satisfaction to learn that the letter of Mr. Baldwin was an impudent assumption on his part, and that there is not a shadow of reason for the suspicion naturally thrown upon the authorities of Nassau by that unwarrantable act.

I have, &c.

Earl Russell.

CHARLES FRANCIS ADAMS.

No. 134.—Lord Lyons to Earl Russell.—(Rec. January 15, 1862.)

MY LORD,

Washington, December 31, 1861.

THE Secretary of State of The United States has informed me, that having learned that Messrs. J. W. Zacharie and T. J. Rogers, American citizens, were taken from a vessel called the *Eugenia Smith*, under the British flag, and under circumstances similar to those involved in the case of Messrs. Mason and Slidell, and that they are now confined in Fort Lafayette, he has caused orders to be given for their discharge, and permission for them to return to Norfolk, in Virginia, by way of Fortress Monroe.

I have, &c.

Earl Russell.

LYONS.

No. 136.—Lord Lyons to Earl Russell.—(Rec. January 15, 1862.)
 MY LORD, *Washington, December 31, 1861.*

I HAVE the honour to inclose herewith to your Lordship a copy of a note from Mr. Seward to the Secretary of the Navy, which has been communicated to me to-day by Mr. Seward. It refers to the circumstance of a promise having been exacted, as a condition of release, by the Commander of The United States' steamer from three British seamen captured for breach of blockade, to the effect that they should undertake not to be employed in similar proceedings for the future. Your Lordship will see that Mr. Seward strongly condemns this act, and releases the seamen from the obligation taken by them.

The inclosed correspondence between Her Majesty's Vice-Consul at Key West and Commander Woodhall of the *Connecticut*, which has been forwarded to me by Her Majesty's Consul-General at Havana, will put your Lordship in possession of all the facts of the case, such as they have been represented to me.

I have, &c.

Earl Russell.

LYONS.

No. 137.—Lord Lyons to Earl Russell.—(Rec. January 15, 1862.)
 MY LORD, *Washington, December 31, 1861.*

I HAVE the honour to inclose herewith to your Lordship a copy of a note from Mr. Seward to the Secretary of the Navy, which has been communicated to me to-day by Mr. Seward, referring to the fact of a British schooner, the *James Campbell*, captured for breach of blockade, having been brought into New York with the British flag flying under that of The United States.

Mr. Seward condemns this act in the strongest terms; and your Lordship will see, from the inclosed copies of correspondence between Flag Officer Paulding and Her Majesty's Consul at New York, and between the same officer and Commander Lyons, of Her Majesty's ship *Racer*, that the act was disavowed with equal promptitude by the naval authorities of The United States, under whose notice it was brought.

I have, &c.

Earl Russell.

LYONS.

No. 150.—Lord Lyons to Mr. Seward.

SIR, *Washington, January 9, 1862.*

I HAVE the honour to acknowledge the receipt of the notes from the State Department of the 3rd and 8th instant, relative to the unseemly position in which the British flag was placed on board the captured vessel *John Campbell* in New York harbour.

No sooner did the superior naval authorities of The United States at New York perceive the position in which the flag was

placed than they ordered it to be removed. Commander Paulding, moreover, immediately wrote to Her Majesty's Consul to express his regret at the occurrence. He was, besides, so good as to address a letter to the Commander of Her Majesty's ship *Racer*, disavowing, in behalf of the Government of The United States any intention to show disrespect to the British flag. Finally, it appears from the report of the prize-master, of which you have now done me the honour to send me a copy, that he acted from ignorance, and without any intention to slight the flag.

Under these circumstances, it only remains for me to express my thanks for the prompt measures which have been taken by The United States' authorities to do away with the unpleasant impression which was produced by the error of the prize-master.

I have, &c.

W. H. Seward, Esq.

LYONS.

No. 154.—Mr. Seward to Lord Lyons.

MY LORD,

Washington, January 13, 1862.

You have kindly left with me a copy of an instruction which you had received from Earl Russell, dated on the 22nd of November last.

I have great pleasure in stating to you, for the information of his Lordship, that the President frankly and unhesitatingly accepts the explanations given by Earl Russell of what was the meaning of the British Government in the views which, at their instance, you had heretofore submitted to me concerning the right of the President to suspend the habeas corpus in time of insurrection, without waiting for direct authority from Congress.

I have to regret, however, that while the misapprehension which has existed upon this one point is thus generously removed by Earl Russell, he deems it necessary to persist in the opinion that the President's proceeding, under a suspension of the habeas corpus, in the case of William Patrick, was wanton and capricious, and that it had not been rendered necessary by the exigencies of the civil war.

As Government must proceed always upon information, and often with great promptness and energy, it could hardly be possible to avoid the commission of occasional errors in the exercise of precautionary power to repress insurrection, manifesting itself more or less formidably in every State of the American Union. I cannot but think that a prompt correction of the error in such a case, such a correction as was made in the case of Mr. Patrick is all that could reasonably be required by persons willing to deliberate carefully, and anxious to interpret the action of the Government with candour and impartiality, as I am sure Earl Russell is.

I cheerfully consent to leave Earl Russell's protest on the record, where it will lie side by side with the decisions of this Government, which show that during a civil war, now of 9 months' duration, no complaint of any kind has been denied a hearing, not one person has been pressed into the land or naval service, not one disloyal citizen or resident, however guilty of treason or conspiracy, has forfeited his life except in battle, not one has been detained a day in confinement who could and would give reliable pledges of his forbearance from evil designs, nor indeed has one person who could or would give no such pledges been detained a day beyond the period when the danger which he was engaged in producing had safely passed away.

Happily, it is not the judgment of even great and good men like Earl Russell, pronounced in the excitement of the hour, and possibly subject to the influences of disturbing events, which determine the characters of States. From such judgments we cheerfully appeal to that of history, confident that it records no instance in which any Government or people has practised moderation in civil war equal to that which thus far has distinguished this Government and the American people.

I avail, &c.

Lord Lyons.

WILLIAM H. SEWARD.

No. 156.—Earl Russell to the Lords Commissioners of the Admiralty.
 MY LORDS, *Foreign Office, January 31, 1862.*

HER Majesty being fully determined to observe the duties of neutrality during the existing hostilities between The United States and the States calling themselves the Confederate States of America, and being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordships, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom, and in the Channel Islands, on and after Thursday the 6th day of February next, and in Her Majesty's territories and possessions beyond the seas 6 days after the day when the Governor or other chief authority of each of such territories or possessions respectively shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present hostilities between

the Government of The United States of North America and the States calling themselves the Confederate States of America, or until Her Majesty shall otherwise order, no ships of war or privateers belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama Islands, except by special leave of the Lieutenant-Governor of the Bahama Islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave, or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

If at the time when this order is first notified in the Bahama Islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the Lieutenant-Governor shall give notice to such vessel to depart, and shall require her to put to sea within such time as he shall, under the circumstances, consider proper and reasonable. If there shall then be ships of war or privateers belonging to both the said belligerents within the territorial jurisdiction of Her Majesty, in or near the said port, roadstead, or waters, the Lieutenant-Governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least 24 hours from the time when the last preceding vessel of the other belligerent (whether the same shall be a ship of war, or privateer, or merchant-ship) which shall have left the same port, roadstead, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of Her Majesty.

2. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves the Confederate States of America, all ships of war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's Colonies, or Foreign Possessions, or Dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or merchant-ship) shall have previously departed, until after the expiration of at least 24 hours from the departure of such

last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

3. If any ship of war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several Colonies, and Foreign Possessions and Dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any of Her Majesty's Colonies, or Foreign Possessions, or Dependencies, such vessel shall be required to depart and to put to sea within 24 hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of 24 hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters, for a longer period than 24 hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers, or merchant-ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than 24 hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the times hereby limited for the departure of such ships of war and privateers respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but not further or otherwise.

4. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew; and except such coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship of war or privateer, in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expira-

tion of 3 months from the time when such coal may have been last supplied to her within British waters as aforesaid.

I have, &c.

The Lords Commissioners of the Admiralty.

RUSSELL.

PROCLAMATION of the President of The United States, calling out the Militia, to Suppress Combinations in certain States of the Union.—Washington, April 15, 1861.

WHEREAS the laws of The United States have been, for some time past, and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law :

Now, therefore, I, Abraham Lincoln, President of The United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of 75,000, in order to suppress said combinations, and to cause the laws to be duly executed.

The details for this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favour, facilitate, and aid this effort to maintain the honour, the integrity, and the existence of our National Union, and the perpetuity of popular government ; and to redress wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union ; and in every event, the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of, or interference with, property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse, and retire peaceably to their respective abodes within twenty days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress.

Senators and Representatives are therefore summoned to assemble at their respective chambers, at 12 o'clock noon, on Thursday, the 4th day of July next, then and there to consider and determine such measures, as, in their wisdom, the public safety and interest may seem to demand.

In witness whereof, I have hereunto set my hand, and caused the seal of The United States to be affixed.

Done at the city of Washington, this 15th day of April, in the year of our Lord 1861, and of the Independence of The United States the 85th.

By the President:

ABRAHAM LINCOLN.

WILLIAM H. SEWARD, *Secretary of State.*

*PROCLAMATION of the President of The United States,
declaring the Blockade of the Ports of Virginia and North
Carolina.—Washington, April 27, 1861.*

WHEREAS, for the reasons assigned in my Proclamation of the 19th instant, a blockade of the ports of the States of South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas was ordered to be established :

And whereas, since that date, public property of The United States has been seized, the collection of the revenue obstructed, and duly commissioned officers of The United States, while engaged in executing the orders of their superiors, have been arrested and held in custody as prisoners, or have been impeded in the discharge of their official duties without due legal process, by persons claiming to act under authorities of the States of Virginia and North Carolina :

An efficient blockade of the ports of those States will also be established.

In witness whereof, I have hereunto set my hand, and caused the seal of The United States to be affixed.

Done at the city of Washington, this 27th day of April, in the year of our Lord 1861, and of the Independence of The United States the 85th.

By the President:

ABRAHAM LINCOLN.

WILLIAM H. SEWARD, *Secretary of State.*

CORRESPONDENCE relating to the Arrest by the Saxon Government, of an Hungarian Refugee (Count Téleki); and his Surrender to the Austrian Government.—1860, 1861.*

No. 1.—Mr. Murray to Lord J. Russell.—(Received December 31.) (Extract.) *Dresden, December 31, 1860.*

I LEARNT two days ago that, at Count Téleki's request, the Baron de Beust had paid him a visit after his arrest. His Excellency on that occasion explained to the Count that, under an extradition clause in the Treaty existing between the two countries, the Saxon Government had no choice but to surrender him on the demand of Austria, and that he, the Count, knowing the relation in which he stood towards his own Government, had certainly been guilty of great imprudence in coming here under an English passport, and remaining here several weeks in constant intercourse with Hungarian refugees, thereby giving the Austrian Government ample time to identify him and make their demand for his surrender.

The Count appearing apprehensive that his life would be in danger in the hands of the Austrians, M. de Beust told him that; although he himself could not give him any official assurance, or in any manner influence the conduct of the Austrian Government towards him, still he had no hesitation in giving his private opinion that the Count's life was in no danger whatever, but that he must probably make up his mind to the loss of his liberty during the continuance of those disturbances in Hungary which Kossuth and others, with whom the Count had been intimately connected, were fostering with so much activity.

M. de Beust informed me that he had written, unofficially, to Vienna (I presume to Count Rechberg), expressing a hope that the Austrian Government would act as leniently towards Count Téleki as might be consistent with its own security.

Lord J. Russell.

CH. A. MURRAY.

No. 2.—Lord J. Russell to Mr. Murray.

SIR,

Foreign Office, January 2, 1861.

I HAVE received your despatch of the 28th ultimo upon the subject of the surrender of Count Ladislaus Téleki by the Saxon Government, to the Austrian authorities; and I have to instruct you to ask Baron Beust if he has any objection to communicate to Her Majesty's Government a copy of the Extradition Treaty between Saxony and Austria under the provisions of which his Excellency states that the Count has been delivered up.

I am, &c.

C. A. Murray, Esq.

J. RUSSELL.

* Laid before Parliament, 1861.

No. 3.—Mr. Murray to Lord J. Russell.—(Received January 7.)

MY LORD,

Dresden, January 4, 1861.

I HAVE the honour to inclose, for your Lordship's information, translation of an article that appeared in this day's "*Dresden Journal*," on the subject of the arrest and extradition of Count Ladislaus Téleki. The subject has lost its interest now, as the Count has since been pardoned and set free by the Emperor of Austria; but if this article is to be considered as offering even a semi-official *exposé* of the views and conduct of the Saxon Government respecting the matter, it certainly is calculated to damage rather than to raise them in public opinion.

For although the Saxon Government might, under an extradition clause in a Treaty, have been compelled to give up an Austrian subject amenable to the laws of that country, so soon as the Austrian Government should have ascertained the identity of the person accused, there could be no clause in the Treaty, nor any obligation, moral or political, requiring the Saxon Government to act through its police agents as spies on, and detectors of, the Hungarian refugee, and yet such is the part which the accompanying article represents it to have played.

The affair of Count Ladislaus Téleki having terminated so satisfactorily, it seems exceedingly unwise on the part of the organs or advocates of this Government to recall attention to that portion of the drama which placed Saxony before the world in a position most disagreeable, if not humiliating.

I have, &c.

Lord J. Russell.

CH. A. MURRAY.

(Inclosure.)—Extract from the "Dresdener Journal" of January 3, 1861.

WE yesterday received from Vienna intelligence of the pardon of Count Téleki. Since we communicate below an article from the "*Wiener Zeitung*" relating to this affair, we shall make a few preliminary remarks on the course which this matter has taken, seeing that certain foreign journals are continually exerting themselves to represent the conduct of the Saxon Government, in the delivering up of Count Téleki, and in his arrest as odious, or at least hasty; or even to make it appear that it was done in order to place Austria, without necessity, in an embarrassing situation.

A communication had been made on the 27th November to the Saxon Government by the Austrian police, that, according to reliable information, Count Ladislaus Téleki was about to repair to Dresden, and there meet a Hungarian lady, who was described as belonging to the extreme party in that country. To this communication instructions were added to watch Count Téleki, and as far as possible keep him under surveillance during his residence in

Dresden; above all things, however, instantly to transmit to the Austrian Government intelligence of his arrival. The necessary investigations were accordingly made by the Saxon police, and as soon as it appeared clear that a stranger, who had been residing here for some weeks under the name of John Harold, and had held frequent intercourse with the above-mentioned lady, was Count Téleki, the information was transmitted through a diplomatic channel to the Austrian Government. The latter immediately considered the proof of this fact to be of great importance; and as, on the 17th December, the identity of the pseudo John Harold with Count Ladislaus Téleki was satisfactorily established, the Count was provisionally arrested, and intelligence of the same was at once given to the Austrian Mission here; upon which the latter, on the same day, the 17th December, appealing to the Extradition Treaty of the year 1854, existing between the two States, and observing that the Imperial Court of Justice in Vienna was the authority requiring the same, demanded the delivery of Count Téleki, who was judicially under prosecution by Austria. The Saxon Government, however, was of opinion that it ought not at once to comply with these instructions which had been transmitted through a diplomatic channel, but demanded rather that a formal requisition should first of all, be made by the Austrian Government to the Saxon police, in whose custody Téleki was, before the extradition could be agreed to. This requisition of the Austrian Government was made, and the extradition of the Count was not until then complied with, which took place on the 21st December.

No. 4.—Mr. Murray to Lord J. Russell.—(Received January 7.)
 MY LORD, *Dresden, January 5, 1861.*

I HAVE the honour to inclose, for your Lordship's information, translation of a despatch addressed by Count Rechberg to Baron Werner, Austrian Minister at this Court, on the subject of the arrestation and subsequent liberation of Count Ladislaus Téleki, published in the "Dresden Journal" of yesterday.

I have, &c.

Lord J. Russell.

CH. A. MURRAY.

(Inclosure.)—Count Rechberg to Baron Werner.
 MOST NOBLE BARON, *(Translation.) Vienna, January 1, 1861.*

I HAVE already informed your Excellency, by means of the telegraph, that Count Ladislaus Téleki, who had been arrested at Dresden, and given up to the Imperial tribunal, at the instance of the Viennese Court of Justice, has, by command of His Majesty the Emperor, been released from custody.

His Majesty caused the Count to be examined in his presence,

and the Count promised before the Monarch against whom he had been offending for upwards of 10 years, to renounce all hostile intrigues with foreigners, to take up his abode within the Empire, and in the meantime to avoid taking any part in politics. His Majesty was then pleased, according to his supreme power, to put a stop to all further judicial proceedings against him.

The Imperial Government, when informed that Count Téleki was residing in Dresden with an English passport made out under the name of John Harold, would have considered itself open to the reproach of reprehensible weakness had it not remembered that a Treaty exists between Austria and the Confederate States of Germany respecting the extradition of political offenders. It was also too conscious of the firm and unalterable sense of justice of His Majesty the King of Saxony and of the Royal Government not to be convinced that the Government of Saxony would never, from dread of the attacks of excited party zeal, fail to fulfil an obligation confirmed by a Treaty. On the other hand, however, it was well aware that the Saxon Government would consider its duty to be rendered the easier by the conviction that the fate of the fugitive detained at Dresden would but furnish fresh testimony of the clemency and magnanimity of our noble Monarch.

Our high opinion of the conscientiousness of the Saxon Government has not been belied. On my side, however, I experience the most supreme satisfaction in requesting your Excellency to communicate this despatch to Baron de Beust, who has known how to combine with his duty as a statesman such a noble and humane interest in the fate of the individual in question.

Accept, &c.

Baron Werner.

RECHBERG.

No. 5.—*Mr. Murray to Lord J. Russell.*—(Received January 21.)

MY LORD,

Dresden, January 18, 1861.

I HAVE the honour to inclose herewith, for your Lordship's information, a translation of the Extradition Treaties on which the Saxon Government acted in delivering up Count Téleki to Austria.

I have, &c.

Lord J. Russell.

CH. A. MURRAY.

(Inclosure.)—*Decree of the Saxon Government respecting the Extradition of Political Criminals.*

(Translation.)

Dresden, October 15, 1836.

WITH a view to make known the resolution of the Confederation with respect to the punishment of transgressions against the German Confederation, and the extradition of political criminals within the territory of the German Confederation, of October 15, 1836.

We, Frederic Augustus, by the grace of God, King of Saxony,
[1860-61. LI.] T

&c., hereby make known that a resolution to the following effect, with respect to the punishment of transgressions against the German Confederation and the extradition of political criminals within their territory, was passed in the full assembly of the Confederation, August 18, 1836:

ART. I. Every attempt against the existence, the integrity, the safety, or the constitution of the German Confederation, is to be tried and punished in the several Confederated States according to the laws at present existing in them, or according to the laws by which a similar crime committed against a separate Confederate State would be condemned as high treason, treason against the country, &c.

II. The Confederated States mutually engage to deliver up to the injured or threatened State any individual convicted of any attempt hostile to the Sovereign, or to the existence, integrity, constitution, or safety of another Confederated State, or of a conspiracy with a view to such attempt, or of participation in such a conspiracy, or of favouring such; with this proviso, that such individual is neither a subject of the State applied to for his extradition, nor already liable to trial or punishment for other crimes with which he may be charged.

Should the attempt of which the individual is convicted be directed against several Confederated States, the extradition must be made to that State which first makes the application for it.

In ordering, according to Article LXXXIX of the Archives of the Constitution, the publication of the above resolution of the Confederation, we ordain, at the same time, that in the instances mentioned in Article II, the provisions of the law concerning the higher Courts of Judicature, and the course of proceedings in matters of justice, dated January 28, 1835, section 10, shall in future be followed.

According to custom we have executed this Decree with our own hands, and caused the Royal Seal to be affixed to it.

JULIUS T. J. VON KENNERITZ.

FREDERIC AUGUSTUS.

Decree respecting the publication of the Resolution of the Confederation, relating to the Extradition of Criminals in the territory of the German Confederation.—Dresden, February 27, 1854.

WE, Frederic Augustus, by the grace of God King of Saxony, &c., hereby make known that a resolution to the following effect respecting the mutual extradition of criminals in the territory of the German Confederation was passed in the session of the Confederation of the 26th January, 1854.

ART. I. It being understood that the Decrees which were issued in accordance with the resolution of the Confederation of the 18th

August, 1836, respecting the delivering up of political offenders, are to continue in force, the following Articles for enforcing that resolution are likewise decreed. The Confederate States mutually engage to deliver up individuals condemned for or accused of any crimes or transgressions (not being frauds in matters of taxation, or transgressions against police or financial regulations) by a tribunal of the State in which or against which the crime was committed, or against whom a sentence of arrest has been there pronounced, to that State; it being understood that the offence be likewise recognized as a crime or transgression by the laws of the State upon which the demand is made, and that the punishment has not yet become inapplicable through lapse of time.

The only exceptions are :

(1.) When the individual in question is a subject of the State called upon to deliver him up.

(2.) When the Justiciary Court of the State, from which the surrender of an accused person has been demanded, is itself competent to take cognizance of and punish the offence on account of which the demand for extradition has been made.

(3.) When the individual to be delivered up is in detention in the State which is required to deliver him up, on account of other acts, or under arrest on account of debt or any other obligations.

II. In cases coming under Article I (3), the extradition can only take place after acquittal, termination of sentence, or when the arrest of the person is at an end.

III. With the individual all articles are to be given up which may be in his possession, as well as any others which may aid in proving the crime.

IV. The extradition is to take place at the request of the competent tribunal, or if there be a question of the arrest of a prisoner who has escaped, on the demand of the administration of the criminal tribunal in question to the magistrates or police of the district in which the accused resides.

In the demand for extradition, the crime or transgression of which the individual is accused, or for which he has been condemned, is to be mentioned; also the date of the commission of the offence. If the offender has been condemned, the tribunal which tried him is to be specified, and the material part of the *procès-verbal* is to be given.

The tribunal called upon to deliver up the individual must at once take steps to examine and decide upon the demand, and the extradition is then to take place at the frontier town lying nearest to the place of arrest, in which a tribunal of the proper kind exists to receive him.

V. If the extradition has been demanded by several States, it is to be granted to that State which first applied for it.

VI. Relates entirely to the expenses attending the detention of the individual.

VII. The transport of individuals to be delivered up from the Confederated States of Germany, or from other countries shall be permitted, without hindrance in the States of the Confederation lying between; and this obligation of extradition is subject to the same exceptions and restrictions which are established in Article I (1 to 3) regarding the obligation of extradition.

VIII. Relates solely to the security for the goods of the individual delivered up.

IX. Relates to the expenses.

X. By this contract the Extradition Treaties existing between separate German States are rendered void in so far as they contain Decrees at variance with the mutual obligations established by this contract, or do not contain any special covenants respecting extraditions and the expenses of the same.

The renewal of the Extradition Treaties existing with foreign States will be attempted in a manner conformable with the contents of this contract.

XI. The Dukedom of Limburg is excepted from participation in these Treaties.

In decreeing, according to § 89 of the Archives of the Constitution, the publication of the foregoing resolution of the Confederation, we command that all our courts of law yield due obedience to the same.

According to custom we have drawn up this Decree with our own hand, and affixed thereto our Royal Seal.

Dresden, February 27, 1854.

DR. FERDINAND ZSCHINSKY.

FREDERIC AUGUSTUS.

Decree for making known the Agreement with the Imperial Austrian Government respecting the extension of the Resolutions of the Confederation which were framed on August 18, 1836, and January 26, 1854, respecting the Extradition of Criminals in the Territory of the German Confederation to the dominions of the Austrian Empire, which do not form part of the Confederation.—Dresden, January 10, 1855.

AN agreement has been made with the Imperial Austrian Government, in consequence of the negotiations entered into on this matter concerning the extension of the resolution come to in the third sitting of the Representatives of the German Confederation of 26th January, 1854 (Laws and Decrees of the year 1854, p. 74), respecting the mutual extradition of ordinary criminals in the territory of the German Confederation, and of the resolution of the Confederation made known on the 18th of August, 1836, by

a Decree respecting the extradition of political criminals (Laws and Decrees of the year 1836, p. 308) to the dominions of Austria not forming part of the German Confederation, according to the contents of the following Ministerial Proclamation of 28th December, 1854, which was exchanged for a similar Proclamation of the Minister for Foreign Affairs of the Emperor of Austria, and of the Imperial Court, of the 17th of the same month; and the same is made known with consent of His Majesty the King for its due observance.

Dresden, January 10, 1855.

By order of the Minister of Justice,

DR. ZSCHINSKY.

Ministerial Proclamation.—Dresden, December 28, 1854.

THE Governments of Saxony and Austria have entered into an agreement to extend both the decisions of the resolution framed in the third sitting of the German Confederation of January 26, 1854, respecting the mutual extradition of ordinary criminals in the territory of the German Confederation, as also the decisions of the resolution of the Confederation of the 18th August, 1836, respecting the extradition of political criminals, to the dominions of the Austrian Empire not forming part of the German Confederation; so that the decisions of these resolutions of the Confederation are to operate fully in those cases in which the crime or transgression on account of which the extradition of an individual is demanded by the proper Austrian authorities from the Government of Saxony, was committed in a territory of the Austrian Empire not forming part of the German Confederation, or by the subjects of such a territory against the Imperial Government; so also, on the other hand, in the case where the Saxon Government, according to the above-mentioned resolutions of the Confederation, claims the extradition of an individual from the Imperial Austrian Government, who is sojourning in a part of the Austrian Empire not appertaining to the Confederation.

Furthermore, both Governments agree that nothing is hereby altered in the obligations undertaken by the Excise, Commercial, and Taxation Treaties of 19th February and 4th April, 1853. In testimony of which, by the authority of the King of Saxony, this declaration has been drawn up, and the same is to be publicly proclaimed after the exchange of this document for an Austrian Ministerial Decree of the same nature.

Dresden, December 28, 1854.

By order of the Ministers for Foreign Affairs and for the Administration of Justice.

BARON DE BEUST.

DR. ZSCHINSKY.

PROTOCOLS of Conferences between the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, and Turkey, relative to the Armed Intervention of European Powers for the restoration of Tranquillity in Syria.—Paris, 1860, 1861.*

(1.)—*Protocol of a Conference held at Paris, August 3, 1860.*

PRESENTS :—Les Représentants de l'Autriche, de la France, de la Grande Bretagne, de la Prusse, de la Russie, et de la Turquie :

Sa Majesté Impériale le Sultan voulant arrêter, par des mesures promptes et efficaces, l'effusion du sang en Syrie, et témoigner de sa ferme résolution d'assurer l'ordre et la paix parmi les populations placées sous sa souveraineté, et Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Son Altesse Royale le Prince Régent de Prusse, et Sa Majesté l'Empereur de Toutes les Russies, ayant offert leur coopération active, que Sa Majesté le Sultan a acceptée, les Représentants de leurs dites Majestés et de Son Altesse Royale sont tombés d'accord sur les Articles suivants :

ART. I. Un corps de troupes Européennes qui pourra être porté à 12,000 hommes, sera dirigé en Syrie pour contribuer au rétablissement de la tranquillité.

II. Sa Majesté l'Empereur des Français consent à fournir immédiatement la moitié de ce corps de troupes. S'il devenait nécessaire d'élever son effectif au chiffre stipulé dans l'Article précédent, les Hautes Puissances s'entendraient sans retard avec la Porte, par la voie diplomatique ordinaire, sur la désignation de celles d'entre elles qui auraient à y pourvoir.

III. Le Commandant-en-chef de l'expédition entrera, à son arrivée, en communication avec le Commissaire Extraordinaire de la Porte, afin de combiner toutes les mesures exigées par les circonstances et de prendre les positions qu'il y aura lieu d'occuper pour remplir l'objet du présent Acte.

IV. Leurs Majestés, &c., promettent d'entretenir sur les côtes de Syrie des forces navales suffisantes pour concourir au succès des efforts communs pour le maintien ou le rétablissement de la tranquillité sur le littoral de la Syrie.

V. Les Hautes Parties, convaincues que ce délai sera suffisant pour atteindre le but de pacification qu'elles ont en vue, fixent à 6 mois la durée de l'occupation des troupes Européennes en Syrie.

VI. La Sublime Porte s'engage à faciliter, autant qu'il dépendra d'elle, la subsistance et l'approvisionnement du corps expéditionnaire.

* Laid before Parliament, with Correspondence on Affairs of Syria, 1861.

Il est entendu que les 6 Articles précédents seront textuellement convertis en une Convention qui recevra les signatures des Représentants soussignés, aussitôt qu'ils seront munis des pleins pouvoirs de leurs Souverains, mais que les stipulations de ce Protocole entreront immédiatement en vigueur.

M. le Chargé d'Affaires de Prusse toutefois fait observer que la distribution actuelle des bâtiments de guerre Prussiens peut ne pas permettre à son Gouvernement de coopérer dès à présent à l'exécution de l'Article IV.

METTERNICH.
THOUVENEL.
COWLEY.
POURTALES.
KISSELEFF.
VEFIK EFFENDI.

(2.)—*Protocol of a Conference held at Paris, August 3, 1860.*

PRESENTS, &c.

Les Plénipotentiaires, &c., désirant établir, conformément aux intentions de leurs Cours respectives, le véritable caractère du concours prêté à la Sublime Porte aux termes du Protocole signé aujourd'hui, les sentiments qui leur ont dicté les clauses de cet Acte, et leur entier désintéressement, déclarent de la manière la plus formelle que les Puissances Contractantes n'entendent poursuivre ni ne poursuivront dans l'exécution de leurs engagements, aucun avantage territorial, aucune influence exclusive, ni aucune concession touchant le commerce de leurs sujets, et qui ne pourrait être accordée aux sujets de toutes les autres nations.

Néanmoins ils ne peuvent s'empêcher, en rappelant ici les Actes émanés du Sultan dont l'Article IX du Traité du 30 Mai, 1856, a constaté la haute valeur, d'exprimer le prix que leurs Cours respectives attachent à ce que, conformément aux promesses solennelles de la Sublime Porte, il soit pris des mesures administratives sérieuses pour l'amélioration du sort des populations Chrétiennes de tout rite de l'Empire Ottoman.

Le Plénipotentiaire de la Sublime Porte prend acte de cette déclaration des Représentants des Hautes Puissances Contractantes, et se charge de la transmettre à sa Cour, en faisant observer que la Sublime Porte a employé et continue d'employer ses efforts dans le sens du vœu exprimé ci-dessus.

(Suivent les signatures.)

(3.)—*Protocol of a Conference held at Paris, February 19, 1861.*

PRESENTS, &c.

Le Plénipotentiaire de la France en se référant à la commun-

cation de son Gouvernement qui a provoqué la réunion de la Conférence, rappelle et détermine l'objet soumis à son examen, et il invite le Plénipotentiaire de la Turquie à faire connaître comment sa Cour envisage la situation des choses en Syrie, et l'exécution de la clause de la Convention du 5 Septembre qui fixe à 6 mois la durée du concours prêté par les troupes étrangères.

Le Plénipotentiaire de la Turquie expose que son Gouvernement s'est appliqué, dès l'origine, à remplir les devoirs que lui imposaient les événements dont la Syrie a été le théâtre, et qu'il s'est mis sans retard en mesure d'y pourvoir; qu'il est en état de maintenir la tranquillité, et que la Convention peut recevoir son exécution sans danger pour la conservation de l'ordre. Il rend hommage d'ailleurs à l'attitude et à la conduite que les troupes Françaises et leurs chefs ont tenues depuis leur débarquement.

Le Plénipotentiaire de la France remercie le Plénipotentiaire de la Turquie du témoignage qu'il rend à la Conférence de la manière dont le corps expéditionnaire a rempli sa tâche, mais il croit devoir déclarer que les informations parvenues à son Gouvernement le portent à penser que le départ des troupes Françaises serait suivi de nouveaux troubles. Il donne lecture de la correspondance des Agents Français, d'où il résulte que les populations se préparent à de nouvelles luttes, et que l'autorité locale ne dispose pas de moyens suffisants pour les contenir. Rapprochant cette situation de l'esprit de la Convention et des termes de l'Article V, il en conclut que le but que se proposaient les Puissances ne se trouverait pas rempli si les troupes Françaises évacuaient la Syrie en ce moment. Dans son opinion, on mettrait fin à la garantie matérielle stipulée par la Convention avant d'y avoir substitué la garantie morale que doit offrir l'organisation des pouvoirs publics qui ne peuvent être constitués sans que la Commission Internationale ait terminé ses travaux, et l'on sait que la Commission est loin de toucher au terme de son mandat. Il lui est donc impossible de partager la confiance que le Plénipotentiaire de la Turquie place dans les dispositions transitoires adoptées par son Gouvernement.

Le Plénipotentiaire de la Turquie ne saurait consentir à faire dépendre l'exécution de la Convention des mesures concernant le mode d'administration; il n'oublie nullement dans quel esprit l'Acte du 5 Septembre a été conclu, et il ne voit dans la présence des troupes Françaises en Syrie qu'une manifestation des sympathies des Puissances alliées de la Porte, mais il ajoute qu'il n'est pas moins constant, d'autre part, que la Convention est formelle et qu'en ce qui regarde l'évacuation, elle stipule une date qu'on ne peut dépasser sans méconnaître la cause qui règle ce point essentiel; qu'au surplus, l'œuvre de réorganisation de la Syrie revient exclusivement à son Gouvernement; qu'on ne pourra y donner suite que

quand la Commission aura accompli son mandat, et que, jusque-là, il suffit, comme il l'affirme, que la Porte ait avisé aux moyens propres à assurer la sécurité. Il présume, du reste, que les Commissaires ont terminé leurs investigations sur les lieux, et la Conférence, selon lui, pourrait exprimer l'avis, afin de hâter le rétablissement d'un ordre de choses régulier en Syrie, que la Commission, dont la présence ou le rappel ne saurait modifier l'état matériel du pays, fût invitée à se rendre à Constantinople, où elle rédigerait son rapport, dont les Représentants des Puissances prendraient connaissance sans retard et pourraient ainsi, en se concertant avec la Porte, avancer le moment de la pacification.

Le Plénipotentiaire de la Russie, après avoir fait observer que les informations officielles parvenues à son Gouvernement lui permettent de partager les appréciations de M. le Plénipotentiaire de la France, ainsi que les conclusions qu'il en a déduites, relève que l'autorité n'est pas constituée en Syrie, et que, dans l'état de désordre où se trouve le pays, état qui n'offre pas les garanties désirables, les Agents de la Porte sont certainement dans l'impossibilité de prévenir de nouveaux conflits. A son avis, l'évacuation ne devrait avoir lieu que lorsqu'il serait bien constaté qu'elle pourrait s'effectuer sans qu'il en résulte de nouveaux dommages pour les populations Chrétiennes si cruellement éprouvées par les événements qui ont précédé et motivé l'intervention Européenne.

Le Plénipotentiaire de la France constate qu'il faut attribuer à des causes indépendantes de la volonté des Commissaires Européens les lenteurs qu'a subies la marche de leurs travaux, mais qu'il n'est pas moins vrai que leurs instructions, conformes à l'entente des Puissances, leur prescrivent d'assurer la punition des coupables, d'aviser aux moyens d'indemniser les victimes, et d'élaborer un rapport sur l'organisation administrative du Liban ; or, dit-il, jusqu'à présent, il n'a été infligé aucun châtiment aux auteurs des massacres de la Montagne, aucune indemnité n'a été accordée aux Chrétiens, et la Commission n'est pas encore à même de présenter ses propositions de réorganisation. D'autre part, les Chefs Druses retirés dans le Hauran se concertent avec les Arabes et les Métualis pour résister ouvertement aux mesures de rigueur que l'on prendrait contre eux et poussent l'audace jusqu'à venir piller les villages situés aux portes de Damas ; les Chrétiens, de leur côté, se disposent à repousser les agressions dont ils sont menacés ; on s'arme partout et la guerre civile, loin d'être apaisée, est de nouveau imminente. En présence de ces éventualités, la France décline la responsabilité des conséquences qu'entraînerait le départ prématuré du corps expéditionnaire.

Le Plénipotentiaire de la Grande Bretagne répond que si l'on se plaçait au point de vue du Plénipotentiaire de la France, la

Conférence devrait décider que l'occupation serait désormais permanente, et déclare que son Gouvernement n'adhérerait pas à une semblable résolution, qui est d'ailleurs déclinée par le Plénipotentiaire de la Puissance territoriale. Il annonce que les renseignements parvenus à son Gouvernement présentent la situation sous un jour qui le porte à considérer l'évacuation immédiate comme une mesure opportune et même nécessaire. Le Commissaire de la Grande Bretagne estime en effet que les Agents du Gouvernement Ottoman disposent des forces nécessaires au maintien de la tranquillité, et que la présence des troupes étrangères, utile au début, entretient aujourd'hui des espérances et des craintes dont l'effet est de perpétuer des ressentiments qu'il importe de faire cesser. Il soutient qu'il n'existe aucune connexité entre les travaux de la Commission et la durée de l'occupation ; que le but de la Convention est atteint ; que ce but a été défini dans le préambule de cet Acte, et consistait à "arrêter l'effusion du sang par des mesures promptes et efficaces ;" que les dispositions concertées par les Puissances ont réalisé l'objet unique qu'elles avaient en vue ; que la Convention peut donc et doit recevoir son exécution dans ses clauses finales. C'est désormais, pense-t-il, à la Puissance Souveraine qu'il appartient exclusivement de pourvoir à la sécurité en Syrie, et le Plénipotentiaire de la Turquie déclarant, avec raison selon lui, que son Gouvernement peut prévenir de nouveaux troubles, il n'y a nulle raison de retarder le départ de troupes, qui n'avaient d'autre mission que de concourir à mettre fin aux conflits sanglants qui avaient éclaté dans cette province.

Le Plénipotentiaire de la France fait remarquer qu'il ne s'agit nullement de combiner une occupation permanente, et que le Gouvernement Français, pour son compte, ne consentirait, en aucun cas, à en accepter seul les charges ; il reconnaît que s'il n'y a pas une connexité conventionnelle entre la mission des Commissaires et celle du corps expéditionnaire, cette connexité, dans son opinion, existe par la force des choses, puisque l'on s'exposerait à de nouveaux malheurs si l'on mettait fin à la garantie effective qui résulte de la présence des troupes étrangères, avant d'avoir pris et appliqué les dispositions que comporte l'exercice régulier et efficace de toute autorité.

Le Plénipotentiaire de la Grande Bretagne exprime l'avis que l'on pourrait seconder la Turquie dans l'œuvre de pacification qui reste à remplir et témoigner aux populations l'intention des Puissances de concourir, s'il y avait lieu, à la répression de nouveaux désordres, en décidant qu'on entretiendrait sur les côtes de Syrie une station combinée de leurs forces navales.

Le Plénipotentiaire de l'Autriche fait observer que cette mesure pourrait s'effectuer avant le mois de Mai, et qu'il pourrait

des conflits regrettables avant cette époque si le corps expéditionnaire quittait la Syrie à la date fixée par la Convention.

Le Plénipotentiaire de la Prusse émet la même opinion.

Le Plénipotentiaire de la Russie croit que la présence des bâtiments de guerre serait insuffisante pour garantir la sécurité des Chrétiens, qui, habitant le Liban et les grandes villes de l'intérieur, ne pourraient recevoir aucun secours des escadres, qui seraient forcées de borner leur protection aux villes du littoral.

Le Plénipotentiaire de la Grande Bretagne exprime la conviction que la présence des pavillons étrangers sur le littoral suffira par son influence morale pour contenir les mauvaises passions des habitants du Liban. Du reste, ajoute-t-il, rien ne serait plus facile que de débarquer une partie des équipages, s'il devenait nécessaire.

Le Plénipotentiaire de la Turquie dit qu'en principe il ne pourrait admettre aucune distinction entre l'occupation par des troupes de terre et le débarquement des équipages. Il revient au surplus sur ses déclarations antérieures et persiste notamment à penser que l'état des choses en Syrie permet d'exécuter la Convention ; mais, connaissant les sentiments qui animent son Gouvernement, il croit que l'on pourrait régler le départ des troupes de manière que l'évacuation eût lieu sans exercer une influence fâcheuse sur les dispositions des esprits, en s'effectuant pendant un délai que la Porte utiliserait pour raffermir l'ordre. Il ne soumet à la Conférence aucune proposition ; mais il est prêt à tenir compte, dans cette mesure, des appréciations des autres Plénipotentiaires, et se croirait autorisé à transmettre à sa Cour une ouverture tendant à prolonger l'occupation temporairement et jusqu'à une date déterminée d'avance.

Le Plénipotentiaire de la France se plaint à reconnaître qu'une semblable suggestion tend à rapprocher les avis, mais il prévoit que l'on se trouvera, à l'expiration de ce délai, si l'on ne veut se préoccuper que d'une date, sans égard pour les circonstances, en face des mêmes difficultés et des mêmes dissentiments. Il propose en conséquence de proroger l'occupation jusqu'au moment où la Porte pourra, avec les développements convenables, faire connaître à la Conférence, qui serait, sur sa demande, convoquée à cet effet, l'ensemble des mesures prises pour garantir la tranquillité de la Syrie, et les Plénipotentiaires décideraient alors, après avoir reçu cette communication, que l'évacuation aurait lieu. Il se fonde sur les appréciations du Gouvernement Britannique, qui a reconnu que, pour permettre aux Puissances de se prononcer en parfaite connaissance de cause, la Porte devait les informer des dispositions adoptées pour conjurer de nouveaux conflits.

Le Plénipotentiaire de la Grande Bretagne fait observer que son Gouvernement a acquis, postérieurement à cette communication, la

conviction que la Porte s'était mise à même de maintenir l'ordre en Syrie. Il ajoute qu'il voit avec regret que, d'après les rapports des Agents Britanniques, de nombreux assassinats sont commis à l'heure qu'il est par les Maronites sur les Druses. Puisque la présence de troupes étrangères n'a pas pour effet de prévenir ces crimes, c'est là une raison de plus, selon lui, pour mettre un terme à l'occupation. Autrement, c'est sur l'Europe, qui a envoyé cette expédition, que retomberait la responsabilité de la non-punition de ces actes.

Le Plénipotentiaire de la France dit que les faits isolés signalés par M. le Plénipotentiaire de la Grande Bretagne ne sont pas parvenus à la connaissance du Gouvernement Français ; que, dans tous les cas, au lieu d'y voir un motif de hâter l'évacuation, il pense qu'on devrait en conclure qu'il est essentiel de prolonger l'occupation.

Le Plénipotentiaire de la Turquie déclare qu'il ne saurait accepter pour son Gouvernement l'obligation de justifier des moyens nécessaires au maintien de la sécurité sur son propre territoire.

Le Plénipotentiaire de la Russie propose de proroger l'évacuation de deux mois et de remettre toute résolution au terme de ce délai, époque à laquelle la Conférence serait mieux édifiée sur la situation des choses en Syrie ; selon lui, cet ajournement donnerait à la Commission le temps de terminer ses travaux et l'on trouverait vraisemblablement, dans le rapport des Commissaires, les éléments d'une résolution qui réunirait l'assentiment de toutes les Puissances. Il ne s'opposerait pas au surplus à la suggestion faite par M. le Plénipotentiaire de la Turquie, s'il était entendu que, dans le cas où il surgirait de nouveaux incidents durant la prolongation de l'occupation, la Conférence pourrait modifier sa résolution selon les circonstances.

Le Plénipotentiaire de la Turquie fait savoir qu'il ne peut acquiescer à aucune proposition qui laisserait dépendre l'évacuation de faits éventuels, et, devant les termes explicites de la Convention, il maintient qu'elle doit avoir lieu à une date certaine.

La Conférence examine si l'on peut prévoir que, dans un délai déterminé, l'ordre moral sera suffisamment établi en Syrie pour qu'il soit possible, dès ce moment, de fixer à une date invariable le départ des troupes. A la suite de cette discussion, où se sont produits des avis contradictoires, le Plénipotentiaire de la Turquie a admis qu'il pourrait transmettre à sa Cour une proposition qui conduirait à signer une Convention prolongeant, pour tout délai, le terme de l'occupation jusqu'au 1er Mai prochain.

Les Plénipotentiaires décident qu'ils en référeront à leurs Cours respectives.

(Suivent les signatures.)

(1.)—*Protocol of a Conference held at Paris, March 15, 1861.*

PRESENTS, &c.

Le Protocole de la séance du 19 Février est lu et adopté avec des amendements qui ne donnent lieu à aucune discussion.

Le Plénipotentiaire de la France exprime le vœu que les Plénipotentiaires fassent connaître l'avis de leurs Gouvernements respectifs sur la suggestion qu'on était convenu de soumettre à leur appréciation.

Le Plénipotentiaire de l'Autriche dit que depuis la dernière réunion de la Conférence, il s'est écoulé un temps assez long pour qu'il lui semble désirable de fixer à 3 mois le terme pendant lequel on prorogerait l'occupation Européenne en Syrie; il lui semble que, pendant ce délai, la Porte pourrait prendre les mesures complémentaires que l'on jugerait opportunes pour dissiper toutes les inquiétudes, et préparer ainsi l'évacuation de manière à prévenir les conflits qui, selon certaines prévisions, menaceraient d'éclater après le départ des troupes étrangères.

Le Plénipotentiaire de la France fait savoir qu'il a soumis à l'appréciation de son Gouvernement la combinaison proposée à la Conférence dans sa précédente réunion, et qu'elle ne lui a pas paru répondre aux éventualités dont il y a lieu de tenir compte; il reconnaît cependant que si l'occupation était prolongée pendant 3 mois, on aurait du moins une plus grande latitude pour y aviser.

Le Plénipotentiaire de la Grande Bretagne déclare que son Gouvernement n'a reçu aucune information qui puisse le porter à modifier la manière de voir dont il a fait part à la Conférence; qu'il doit donc persister dans l'opinion qu'il a exprimée; mais que si les autres Plénipotentiaires sont disposés à ajourner le départ des troupes étrangères, il est lui-même autorisé, dans un esprit de conciliation, à y donner son assentiment, pourvu que le délai n'excède pas le terme de 3 mois, et que la Sublime Porte n'y fasse point d'objection.

Le Plénipotentiaire de la Prusse est d'avis d'adopter cette prolongation; selon lui, la Commission pourrait terminer ses travaux durant cette période, et le départ des troupes coïncidant ainsi avec la nouvelle organisation de l'administration du Liban, on posséderait une garantie de plus pour le maintien de la tranquillité.

Le Plénipotentiaire de la Russie adhère pour sa part à cette prolongation, qui, à son sens, répond à une mesure d'urgence recommandée aux Grandes Puissances par l'humanité aussi bien que par les intérêts généraux de l'Europe et de la Turquie. Elle permettra d'ailleurs de mener à bonne fin les mesures d'ordre et d'organisation nécessitées par la situation du Liban et conformes aux vœux de son Gouvernement.

Le Plénipotentiaire de la Turquie annonce qu'il a soumis à sa

Cour la suggestion consignée dans le Protocole de la précédente réunion ; que sa Cour l'a chargé de maintenir les déclarations qu'il a faites en ce qui concerne les moyens dont elle dispose pour préserver la tranquillité en Syrie, comme pour ce qui touche l'organisation administrative et les travaux de la Commission ; que cependant, dans un sentiment de gratitude pour le concours que l'Europe lui a prêté, elle l'avait autorisé à consentir à une prolongation de l'occupation jusqu'au 30 Mai ; que l'esprit dans lequel sont conçues ces instructions lui permet d'acquiescer, puisque tous les Plénipotentiaires y adhèrent, au terme de 3 mois, si cette clause est combinée de manière à fixer exactement la date de l'évacuation.

Le Plénipotentiaire de la Grande Bretagne croit pouvoir, après avoir entendu les autres Plénipotentiaires, proposer à la Conférence une rédaction qui lui paraît conforme aux vues conciliantes des Puissances, et il en donne lecture.

Cette rédaction est examinée par la Conférence, qui, après en avoir discuté les termes, tombe d'accord sur le libellé de l'Acte annexé au présent Protocole, et qui reçoit la signature des Pléni-potentiaires.

Fait à Paris, le 15 Mars, 1861.

(Suivent les signatures.)

(*Annexe.*)

Paris, le 15 Mars, 1861.

LEURS Majestés l'Empereur d'Autriche, l'Empereur des Français, la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Roi de Prusse, l'Empereur de Toutes les Russies, et l'Empereur des Ottomans, après les explications échangées entre leurs Gouvernements respectifs, s'étant entendus pour modifier la Convention conclue entre eux le 5 Septembre dernier, les Représentants de leurs dites Majestés sont tombés d'accord sur les Articles suivants, qui seront textuellement convertis en une Convention dont les instruments vont être aussitôt préparés pour être revêtus de leurs signatures :

ART. I. La durée de l'occupation Européenne en Syrie sera prolongée jusqu'au 5 Juin de la présente année, époque à laquelle il est entendu entre les Hautes Parties Contractantes qu'elle aura atteint son terme, et que l'évacuation aura été effectuée.

II. Les stipulations contenues dans l'Article II de la Convention du 5 Septembre, 1860, en tant qu'elles n'ont point encore été exécutées, ou qu'elles ne sont pas modifiées par la présente Convention, demeureront en vigueur pendant la période qui s'écoulera entre la date de la signature de cet Acte, et le 5 Juin de l'année courante.

III. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de 5 semaines, ou plus tôt si faire se peut.

Les Plénipotentiaires sont convenus de se réunir Mardi prochain, 19, pour signer la Convention.

*PROTOCOL of Conference between the Representatives of the 5 Powers (Great Britain, Austria, France, Prussia, Russia) and Turkey, relative to the Administration of the Lebanon.**
—Pera, June 9, 1861.

PROTOCOLE adopté par la Porte et les Représentants des 5 Grandes Puissances à la suite de l'entente à laquelle a donné lieu de leur part l'examen du projet de Règlement élaboré par une Commission Internationale pour la réorganisation du Liban. Ce projet de Règlement, daté du 1er Mai, 1861, ayant été, après modifications introduites d'un commun accord, converti en règlement définitif, sera promulgué sous la forme de firman par Sa Majesté Impériale le Sultan, et communiqué officiellement aux Représentants des 5 Grandes Puissances.

L'ARTICLE I a donné lieu à la déclaration suivante faite par Son Altesse Aali Pacha, et acceptée par les 5 Représentants :

"Le Gouverneur Chrétien chargé de l'administration du Liban sera choisi par la Porte, dont il relèvera directement. Il aura le titre de Mouchir, et il résidera habituellement à Deir-el-Kamar, qui se trouve replacé sous son autorité directe. Investi de l'autorité pour 3 ans, il sera néanmoins amovible, mais sa révocation ne pourra être prononcée qu'à la suite d'un jugement. Trois mois avant l'expiration de son mandat, la Porte avant d'aviser provoquera une nouvelle entente avec les Représentants des Grandes Puissances."

Il a été entendu également que le pouvoir conféré par la Porte à ce fonctionnaire, de nommer sous sa responsabilité les Agents Administratifs, lui serait conféré une fois pour toutes, au moment où il serait lui-même investi de l'autorité, et non pas à propos de chaque nomination.

Relativement à l'Article X, qui a trait au procès entre les sujets ou protégés d'une Puissance étrangère, d'une part, et les habitants de la Montagne d'autre part, il a été convenu qu'une Commission

* Laid before Parliament, with Correspondence on Affairs of Syria, 1861.

Mixte siégeant à Beyrout serait chargée de vérifier et de reviser les titres de protection.

Afin de maintenir la sécurité et la liberté de la grande route de Beyrout à Damas en tout temps, la Sublime Porte établira un block-house sur le point de la susdite route qui lui paraîtra le plus convenable.

Le Gouverneur du Liban pourra procéder au désarmement de la Montagne lorsqu'il jugera les circonstances et le moment favorables.

(L.S.) AALI.

(L.S.) HENRY L. BULWER.

(L.S.) LAVALETTE.

(L.S.) PROKESCH-OSTEN.

(L.S.) GOLTZ.

(L.S.) A. LOBANOW.

(Annexe.)—*Règlement pour l'Administration du Liban.*

June 9, 1861.

ART. I. Le Liban sera administré par un Gouverneur Chrétien nommé par la Sublime Porte et relevant d'elle directement.

Ce fonctionnaire, amovible, sera investi de toutes les attributions du pouvoir exécutif, veillera au maintien de l'ordre et de la sécurité publique dans toute l'étendue de la Montagne, percevra les impôts, et nommera, sous sa responsabilité, en vertu du pouvoir qu'il recevra de Sa Majesté Impériale le Sultan, les Agents Administratifs; il instituera les juges, convoquera et présidera le Medjlis Administratif Central, et procurera l'exécution de toutes les sentences légalement rendues par les tribunaux, sauf les réserves prévues par l'Article IX.

Chacun des éléments constitutifs de la population de la Montagne sera représenté auprès du Gouverneur par un Vékil nommé par les Chefs et notables de chaque communauté.

II. Il y aura pour toute la Montagne un Medjlis Administratif Central composé de 12 membres, savoir, deux Maronites, deux Druses, deux Grecs Orthodoxes, deux Grecs Catholiques, deux Métualis, et deux Musulmans, chargé de répartir l'impôt, contrôler la gestion des revenus et des dépenses, et donner son avis consultatif sur toutes les questions qui lui seront posées par le Gouverneur.

III. La Montagne sera divisée en six Arrondissements Administratifs, savoir:

1. Le Koura, y compris la partie inférieure et les autres fractions de territoire avoisinantes dont la population appartient au rite

Grec Orthodoxe, moins la ville de ,* située sur la côte et à peu près exclusivement habitée par des Musulmans.

2. La partie septentrionale du Liban, sauf le Koura, jusqu'au Nahr-el-Kelb.

3. Zahlé et son territoire.

4. Le Meten, y compris le Sahel Chrétien et les territoires de Kata et de Solima.

5. Le territoire situé au sud de la route de Damas à Beyrout jusqu'au Djezzin.

6. Le Djezzin et le Teflah.

Il y aura dans chacun de ces Arrondissements un Agent Administratif nommé par le Gouverneur et choisi dans le rite dominant, soit par le chiffre de la population, soit par l'importance de ses propriétés.

IV. Il y aura dans chaque Arrondissement un Medjlis Administratif Local composé de trois à six membres représentant les divers éléments de la population et les intérêts de la propriété foncière dans l'Arrondissement.

Ce Medjlis Local, présidé et convoqué annuellement par le Chef de l'Arrondissement, devra résoudre en premier ressort toutes les affaires de contentieux administratif, entendre les réclamations des habitants, fournir les renseignements statistiques nécessaires à la répartition de l'impôt dans l'Arrondissement, et donner son avis consultatif sur toutes les questions d'intérêt local.

V. Les Arrondissements Administratifs seront subdivisés en cantons, dont le territoire, à peu près réglé sur celui des anciens Aklim, ne renfermera, autant que possible, que des groupes homogènes de population et ces cantons en communes, qui se composeront chacune d'au moins 500 habitants. A la tête de chaque canton il y aura un agent nommé par le Gouverneur sur la proposition du Chef de l'Arrondissement, et à la tête de chaque commune un Cheik choisi par les habitants et nommé par le Gouverneur.

Dans les Communes Mixtes, chaque élément constitutif de la population aura un Cheik particulier, dont l'autorité ne s'exercera que sur ses coreligionnaires.

VI. Egalité de tous devant la loi ; abolition de tous les privilèges féodaux, et notamment de ceux qui appartenaient aux Mokatadjis.

VII. Il y aura dans chaque canton un Juge de Paix pour chaque rite ; dans chaque arrondissement un Medjlis Judiciaire de Première Instance, composé de trois à six membres représentant les divers éléments de la population, et, au siège du gouvernement un Medjlis Judiciaire Supérieur, composé de 12 membres dont deux appartenant à chacune des six communautés désignées en l'Article II, et auxquels on adjoindra un représentant des cultes Protestant et Israélite

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siégeant à Beyrouth
de protection.
de maintenir la
Affin de Damas en tout
rout à lè point de la
se sur
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Le Montagne lorsqu'
la
orables.

(Annexe.)—Règles

ART. I. Le Liban sera
nommé par la Sublime Po.
Ce fonctionnaire, amov
du pouvoir exécutif, veiller
publique dans toute l'étend
et nommera, sous sa respon
de Sa Majesté Impériale le
instituera les juges, convoqu
tratif Central, et procurera
égalemeut rendues par les trib
Article IX.

Chacun des éléments
era représenté auprès
Chefs et notables de
II. Il y aura pour tout
Central composé de
Druses, deux
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Les habitants du Liban qui auraient commis un crime ou un autre Sandjak seront justiciables des autorités de ce de même que les habitants des autres Arrondissements qui ont commis un crime ou délit dans la circonscription du Liban seront justiciables des Tribunaux de la Montagne.

En conséquence les individus indigènes ou non indigènes qui se rendent coupables d'un crime ou délit sur le Liban, et qui se trouvent dans un autre Sandjak, seront, sur la demande de l'autorité de la Montagne, arrêtés par celle du Sandjak où ils se trouvent et remis à l'administration du Liban.

De même, les indigènes de la Montagne ou les habitants d'autres Sandjaks qui auront commis un crime ou délit dans un Sandjak autre que le Liban, et qui s'y seront réfugiés, seront, sur la demande de l'autorité de la Montagne sur la demande de l'autorité du Sandjak intéressé, et seront remis à cette dernière autorité. Les agents de l'autorité qui auraient apporté une négligence ou qui ne seraient pas justifiés dans l'exécution des ordres relatifs aux coupables devant les tribunaux compétents seront, comme les autres, recherchés à dérober ces coupables aux poursuites de la justice, conformément aux lois.

Les rapports de l'Administration du Liban avec l'Administration respective des autres Sandjaks seront exactement les mêmes relations qui existent et qui seront entretenues entre tous les Sandjaks de l'Empire.

En temps ordinaire le maintien de l'ordre et l'exécution des lois sont exclusivement assurés par le Gouverneur, au moyen d'une force de police mixte, recruté par la voie des engagements volontaires et composé à raison de 7 hommes environ par mille habitants.

La police par garnisaires devant être abolie et remplacée par une police de contrainte, tels que la saisie et l'emprisonnement, sera exercée par les agents de police, sous les peines les plus sévères, sans aucune rétribution, soit en argent, soit en nature. Les agents de police porteront un uniforme ou quelque signe extérieur distinctif. Dans l'exécution d'un ordre quelconque de l'autorité, autant que possible, des agents appartenant à l'autorité de l'individu que cette mesure concernera.

Le Gouverneur aura été reconnue par le Gouverneur les devoirs qui lui seront imposés en vertu de son poste à Damas et de Saida à Tripoli et de la capitale impériales. Ces troupes seront entretenues dans la Montagne.

En cas de nécessité, et après avoir pris l'avis du Gouverneur, le Gouverneur pourra requérir auprès du Gouvernement l'assistance des troupes régulières.

toutes les fois qu'un membre de ces communautés aura des intérêts engagés dans le procès.

La présidence des Medjlis Judiciaires sera exercée trimestriellement et à tour de rôle par chacun de leurs membres.

VIII. Les Juges de Paix jugeront sans appel jusqu'à concurrence de 500 piastres. Les affaires en dessus de 500 piastres seront de la compétence des Medjlis Judiciaires de Première Instance.

Les affaires mixtes, c'est-à-dire, entre particuliers n'appartenant pas à un même rite, quelle que soit la valeur engagée dans le procès, seront immédiatement portées devant le Medjlis de Première Instance, à moins que les parties ne soient d'accord pour reconnaître la compétence du Juge de Paix du défendeur.

En principe toute affaire sera jugée par la totalité des membres du Medjlis. Néanmoins quand toutes les parties engagées dans le procès appartiendront au même rite, elles auront le droit de récuser le Juge appartenant à un rite différent, mais dans ce cas même les Juges récusés devront assister au jugement.

IX. En matière criminelle, il y aura 3 degrés de juridiction. Les contraventions seront jugées par les Juges de Paix ; les délits pour les Medjlis de Première Instance ; et les crimes par le Medjlis Judiciaire Supérieur, dont les sentences ne pourront être mises à exécution qu'après l'accomplissement des formalités d'usage dans le reste de l'Empire.

X. Tout procès en matière commerciale sera porté devant le Tribunal de Commerce de Beyrout, et tout procès, même en matière civile, entre un sujet ou protégé d'une Puissance étrangère et un habitant de la Montagne, sera soumis à la juridiction de ce même Tribunal.

XI. Tous les membres des Medjlis Judiciaires et Administratifs, sans exception, ainsi que les Juges de Paix, seront choisis et désignés, après une entente avec les notables, par les chefs de leurs communautés respectives, et institués par le Gouverneur.

Le personnel des Medjlis Administratifs sera renouvelé par moitié tous les ans, et les membres sortants pourront être réélus.

XII. Tous les Juges seront rétribués. Si, après enquête, il est prouvé que l'un d'entre eux a prévariqué, ou s'est rendu, par un fait quelconque, indigne de ses fonctions, il devra être révoqué, et sera en outre passible d'une peine proportionnée à la faute qu'il aura commise.

XIII. Les audiences de tous les Medjlis Judiciaires seront publiques, et il en sera rédigé procès-verbal par un greffier institué *ad hoc*. Ce greffier sera, en outre, chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à la formalité de l'enregistrement.

XIV. Les habitants du Liban qui auraient commis un crime ou délit dans un autre Sandjak seront justiciables des autorités de ce Sandjak, de même que les habitants des autres Arrondissements qui auraient commis un crime ou délit dans la circonscription du Liban seront justiciables des Tribunaux de la Montagne.

En conséquence les individus indigènes ou non indigènes qui se seraient rendus coupables d'un crime ou délit sur le Liban, et qui se seraient évadés dans un autre Sandjak, seront, sur la demande de l'autorité de la Montagne, arrêtés par celle du Sandjak où ils se trouvent et remis à l'administration du Liban.

De même, les indigènes de la Montagne ou les habitants d'autres Départements qui auront commis un crime ou délit dans un Sandjak quelconque et autre que le Liban, et qui s'y seront réfugiés, seront, sans retard, arrêtés par l'autorité de la Montagne sur la demande de celle du Sandjak intéressé, et seront remis à cette dernière autorité.

Les agents de l'autorité qui auraient apporté une négligence ou des retards non justifiés dans l'exécution des ordres relatifs au renvoi de coupables devant les tribunaux compétents seront, comme ceux qui chercheraient à dérober ces coupables aux poursuites de la police, punis conformément aux lois.

Enfin les rapports de l'Administration du Liban avec l'Administration respective des autres Sandjaks seront exactement les mêmes que les relations qui existent et qui seront entretenues entre tous les autres Sandjaks de l'Empire.

XV. En temps ordinaire le maintien de l'ordre et l'exécution des lois seront exclusivement assurés par le Gouverneur, au moyen d'un corps de police mixte, recruté par la voie des engagements volontaires et composé à raison de 7 hommes environ par mille habitants.

L'exécution par garnisaires devant être abolie et remplacée par d'autres modes de contrainte, tels que la saisie et l'emprisonnement, il sera interdit aux agents de police, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature. Ils devront porter un uniforme ou quelque signe extérieur de leurs fonctions, et dans l'exécution d'un ordre quelconque de l'autorité on emploiera, autant que possible, des agents appartenant à la nation ou au rite de l'individu que cette mesure concernera. Jusqu'à ce que la police locale ait été reconnue par le Gouverneur en état de faire face à tous les devoirs qui lui seront imposés en temps ordinaire, les routes de Beyrout à Damas et de Saida à Tripoli seront occupées par des troupes Impériales. Ces troupes seront sous les ordres du Gouverneur de la Montagne.

En cas extraordinaire et de nécessité, et après avoir pris l'avis du Medjlis Administratif Central, le Gouverneur pourra requérir auprès des autorités militaires de la Syrie l'assistance des troupes régulières.

L'officier qui commandera ces troupes en personne devra se concerter, pour les mesures à prendre, avec le Gouverneur de la Montagne, et, tout en conservant son droit d'initiative et d'appréciation pour toutes les questions purement militaires, telles que les questions de stratégie ou de discipline, il sera subordonné au Gouverneur de la Montagne durant le temps de son séjour dans le Liban, et il agira sous la responsabilité de ce dernier. Ces troupes se retireront de la Montagne aussitôt que le Gouverneur aura officiellement déclaré à leur Commandant que le but pour lequel elles ont été appelées a été atteint.

XVI. La Porte Ottomane se réservant le droit de lever, par l'intermédiaire du Gouverneur du Liban, les 3,500 bourses qui constituent aujourd'hui l'impôt de la Montagne, impôt qui pourra être augmenté jusqu'à la somme de 7,000 bourses lorsque les circonstances le permettront, il est bien entendu que le produit de ces impôts sera affecté avant tout aux frais d'administration de la Montagne et à ses dépenses d'utilité publique; le surplus seulement, s'il y a lieu, entrera dans les caisses de l'Etat.

Si les frais généraux strictement nécessaires à la marche régulière de l'administration dépassaient le produit des impôts, la Porte aurait à pourvoir à ces excédants de dépenses.

Mais il est entendu que pour les travaux publics ou autres dépenses extraordinaires, la Sublime Porte n'en serait reponsable qu'autant qu'elle les aurait préalablement approuvés.

XVII. Il sera procédé, le plus tôt possible, au recensement de la population par communes et par rite, et à la levée du cadastre de toutes les terres cultivées.

Arrêté et convenu à Péra, le 9 Juin, 1861.

(L.S.) AALI.

(L.S.) HENRY L. BULWER.

(L.S.) LAVALETTE.

(L.S.) PROKESCH-OSTEN.

(L.S.) GOLTZ.

(L.S.) LOBANOW.

ARTICLE ADDITIONNEL.

IL est bien entendu que le chiffre de 7,000 bourses mentionné dans l'Article XVI du Règlement du 9 Juin, 1861, ne constitue pas une limite absolue, et que si, d'une part, avant d'élever l'impôt de la Montagne jusqu'à concurrence de cette somme, il convient d'attendre que la crise causée par les derniers événements ait cessé, il se peut, d'autre part, que l'augmentation de dépenses résultant de la nouvelle organisation nécessite la levée de contributions dont le total, ajouté à l'ancien impôt, dépasserait même le chiffre de 7,000 bourses.

Le Gouverneur devra, d'ailleurs, n'user de cette faculté qu'avec une extrême réserve, et rechercher toujours et avant tout un juste équilibre entre les recettes et les dépenses ordinaires de la Montagne.

PROTOCOLS of Meetings held between the Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey, relative to Disturbances in Syria.—Beyrout, 1860, 1861.*

(1.)—*Protocol of First Meeting.*

Beyrout, October 5, 1860.

CE JOURD'HUI, 5 Octobre, 1860, à deux heures de l'après-midi, M. de Weckbecker, Commissaire d'Autriche; M. Béclard, Commissaire de France; Lord Dufferin, Commissaire de Grande Bretagne; M. de Rehues, Commissaire de Prusse; M. Novikow, Commissaire de Russie; Abro Efendi, Délégué de son Excellence Fuad Pacha, Commissaire Extraordinaire de la Sublime Porte, se sont réunis chez le Commissaire Français à l'effet de se constituer en Commission conformément à leurs instructions respectives dans le but, 1, de rechercher l'origine et les causes des événements dont la Syrie a été le théâtre, de déterminer la part de responsabilité des Chefs de l'insurrection, ainsi que celle des Agents de l'Administration, et de provoquer la punition des coupables; 2, d'apprécier l'étendue des désastres qui ont frappé les populations Chrétiennes et de combiner les moyens propres à soulager et à indemniser les victimes; 3, de prévenir le retour de semblables calamités et d'assurer l'ordre et la sécurité en Syrie en indiquant les modifications qu'il convient d'apporter à l'organisation actuelle de la Montagne.

La présidence appartenant de droit à Fuad Pacha par suite d'une entente avec les Représentants des cinq Grandes Puissances à Constantinople, il a été décidé à l'unanimité que, en l'absence du Plénipotentiaire Ottoman, chacun des Commissaires exercerait à tour de rôle et par rang d'âge les fonctions de Vice-Président pendant un mois. En suite de cette décision, le fauteuil a été occupé par M. de Weckbecker, Commissaire d'Autriche, qui a déclaré la séance ouverte. Le Président donne lecture de ses instructions, qui sont trouvées identiques à celles des autres Commissaires. Il invite la Commission à porter tout d'abord son attention sur le premier des points énoncés dans les dites instructions, à savoir, la recherche de l'origine et des causes des événements. Des documents en grand nombre étant adressés de tous côtés à chacun des

* Laid before Parliament, with Correspondence on Affairs of Syria, 1861.

Commissaires, et ces pièces pour la plupart ne différant pas les unes des autres, il propose de les réunir en un seul dépôt pour éviter la perte de temps qui résulterait d'un travail multiple de traductions.

Le Commissaire Prussien propose de continuer la marche suivie jusqu'à présent par Fuad Pacha en réclamant la production des procès-verbaux déjà dressés par les soins des Commissions Locales.

Le Commissaire Français, en répondant à la proposition du Président, dit que plusieurs établissements religieux, tels que ceux des Jésuites, des Lazaristes, et de Père de Terre Sainte, ayant eu à souffrir des meurtres et des dévastations commis dans ces derniers temps, les réclamations qui lui sont adressées à ce sujet sont exclusivement de sa compétence et ne peuvent faire partie des archives de la Commission.

Le Commissaire Russe ajoute qu'il en est de même des pièces qui pourraient lui être adressées concernant la ruine du Vice-Consulat de Russie à Damas, le meurtre du drogman Russe, et les faits qui s'y rattachent.

Le Commissaire Prussien rappelle que dans une réunion préparatoire il avait été convenu d'adresser au Plénipotentiaire Ottoman des observations précises sur certains points déterminés.

Le Commissaire Français donne lecture d'une note rédigée par lui à ce sujet et dont copie se trouve annexée au présent procès-verbal. Une copie de la dite note est également remise par lui à Abro Efendi, qui déclare, à cette occasion, n'avoir pas reçu encore les instructions dont il doit être muni par Fuad Pacha, s'engageant d'ailleurs à transmettre au Plénipotentiaire Ottoman la pièce en question.

Abro Efendi déclare en outre qu'il ne peut considérer cette réunion que comme une séance préparatoire, et qu'il n'accepte qu'à titre officieux les communications de MM. les Commissaires.

M. Béclard demande si le Colonel Hosni Bek, membre du tribunal chargé de juger Khurshid Pacha, est le même officier qui commandait la garrison de Baalbek.

Sur la réponse affirmative d'Abro Efendi, qui assure d'ailleurs n'avoir pas connaissance des antécédents de Hosni Bek, le Commissaire Français fait observer que la présence de cet officier, contre lequel il existe des charges très graves à propos de sa conduite à Baalbek, que sa présence, dit-il, dans le sein du tribunal extraordinaire de Beyrout est au moins étrange.

M. Béclard demande également comment il se fait que le Colonel Nuri Bek n'ait pas été mis en état d'arrestation. Sa participation au désastre de Zahleh motivait cependant cette mesure de rigueur à son égard.

Abro Efendi répond, quant à Hosni Bek, qu'il prendra les

renseignements nécessaires, et quant à Nuri Bek que ce dernier se trouve à Beyrout dans l'impossibilité de quitter la ville, et que cette circonstance rend superflu son emprisonnement préventif; que d'ailleurs il sera interrogé à son tour et puni s'il y a lieu. Abro Efendi ajoute qu'il recevra avec reconnaissance toutes les informations que MM. les Commissaires jugeront à propos de lui fournir sur les diverses personnes inculpées.

M. Bécлар s'étonne qu'on fait une différence en faveur de Nuri Bek, vu que d'après lui la responsabilité des événements pèse également sur chacun des agents de l'autorité, qui tous lui paraissent être en état de suspicion.

Le Commissaire Russe demande des explications sur la faculté laissée à Shakir Pacha de se rendre à Constantinople lorsqu'il aurait dû être retenu à Damas, pour y rendre compte de sa conduite; Abro Efendi ayant objecté qu'il n'avait aucune connaissance des griefs élevés contre Shakir Pacha, M. Novikow lui adresse une autre interpellation relativement à Khurshid Pacha, dont le procès avance, tandis qu'il lui était revenu que le tribunal chargé de l'instruction n'a entendu aucun des témoins qui eussent pu l'éclairer.

Abro Efendi répond que l'interrogatoire seul de Khurshid Pacha est terminé, et que quant aux témoignages il eût été bien difficile d'en admettre contre la première autorité de la province.

Le Commissaire Prussien pense que les Druses devraient être interrogés dans le cours de l'enquête sur les actes de Khurshid Pacha qui sont à leur connaissance. Abro Efendi se retranche derrière son manque d'instructions. Le Commissaire Français constate l'opinion répandue dans le public et d'après laquelle on se serait borné à recueillir les réponses de Khurshid Pacha sans faire comparaître aucun témoin. S'il en est ainsi, l'enquête est incomplète. Bien que Khurshid Pacha ait été le premier fonctionnaire de la province, on ne doit pas moins chercher à se procurer sur ses actes tous les éclaircissements nécessaires.

Le Président fait remarquer que tout procès criminel se compose de deux parties bien distinctes. 1. l'instruction; 2. la défense de l'accusé.

A son avis, la Commission n'a pas le droit de s'immiscer dans la première partie du procès qui ne regarde que le Gouvernement Ottoman et ne peut intervenir que dans la seconde.

Un débat s'engage à cette occasion sur le droit d'intervention des Commissaires dans l'enquête, mais il y est mis fin par une observation de Lord Dufferin qui rappelle que ce droit a été formellement reconnu à Constantinople.

Le Commissaire Français, et après lui plusieurs autres membres de la Commission, présentent des observations sur le mode suivi par

Fuad Pacha pour l'évaluation et la réparation des dommages soufferts par les habitants des villages Chrétiens.

Il résulte des explications données par Abro Efendi que 6 Comités composés d'hommes spéciaux auxquels sont adjoints des gens de la Montagne, ont été chargés de se transporter sur les lieux chacun dans une localité distincte et de dresser un état des frais que doivent entraîner les réparations les plus urgentes. Ces Comités du dehors sont placés sous le contrôle d'une Commission Centrale de Secours présidée par Abro Efendi. Sur le vu de l'état dressé par les Comités les intéressés reçoivent la somme allouée comme strictement nécessaire pour rendre leur maison habitable, et l'emploi des fonds est l'objet d'une surveillance toute particulière.

On ne s'occupe pas pour le moment des maisons des Emirs, qui sont les plus coûteuses, et en échange desquelles les propriétaires reçoivent provisoirement à Beyrout des logements ainsi que des secours proportionnés à leurs besoins.

Il ne s'agit également aujourd'hui que d'assurer aux habitants une assistance momentanée à l'aide des sommes fournies par Sa Majesté le Sultan. Plus tard on s'occupera de la question des indemnités.

Sur la demande de Lord Dufferin, dont la motion subit diverses modifications, il est décidé que la Commission se fera représenter par des délégués dans le sein des 6 Comités dont il vient d'être fait mention. Le mode de cette délégation est indiqué dans un paragraphe ajouté après coup, au troisième point de la note annexée au présent procès-verbal.

Le Commissaire Français critique la composition d'une sorte de tribunal secondaire dont les attributions ne lui paraissent pas clairement définies, qui fonctionne à côté et sous la dépendance du tribunal extraordinaire à Beyrout. Abro Efendi donne quelques éclaircissements sur la mission confiée à ce prétendu tribunal, qui n'est chargé, à titre de limite d'instruction du Tribunal Extraordinaire, que de l'examen des crimes ou délits commis à la faveur des derniers événements par des individus obscurs. Un seul Chrétien, il est vrai, fait partie de ce tribunal, mais c'est aussi le seul capable qu'on ait pu trouver jusqu'à ce jour.

Le Commissaire Prussien s'élève contre cette assertion, et dit que le choix de cet unique juge Chrétien n'est pas même justifié par l'impartialité de son caractère. Une conversation s'engage entre les membres de la Commission, à l'effet de savoir s'il y a lieu de rétribuer, et sur quels fonds, les délégués adjoints par elle aux 6 Comités de la Montagne.

Lord Dufferin propose de faire appel à la munificence des Gouvernements respectifs; cette proposition n'est pas adoptée.

Le Commissaire Français pense qu'on pourrait cependant se mettre en rapport avec le Comité Européen de Secours établi à Beyrout et régler de concert avec le Comité le meilleur emploi à faire des sommes qu'il aura à sa disposition. M. Béclard donne ensuite lecture d'une requête qui lui a été adressée par la famille Bedran Tabet de Deir-el-Kamar.

Cette famille se plaint de ce que le Tribunal de Beyrout lui opposant un principe de la loi Musulmane, ait exigé la nomination d'un procureur légal pour représenter les orphelins mineurs. Il en résultait que jusqu'à leur majorité les dits mineurs seraient privés du droit de poursuivre les assassins de leurs parents.

Abro Efendi s'empresse de déclarer que le principe lui paraît inapplicable à Beyrout, attendu qu'on ne l'a pas invoqué à Damas.

La séance est levée à 5 heures, et il est décidé que la séance suivante, fixée au Lundi, 8 Octobre, aura lieu chez le Commissaire Anglais, qui a offert de mettre un local spécial à la disposition de la Commission.

WECKBECKER, *Vice-Président.*

L. BECLARD.

DUFFERIN AND CLANEBOYE.

REHFUES.

NOVIKOW.

ABRO.

ANNEXE.

1. Damas. La Commission demande communication des dossiers relatifs à la procédure suivie contre les coupables ou accusés ; cette communication doit lui servir à se former une opinion sur la question de savoir s'il y a lieu d'exercer de nouvelles poursuites.

La Commission est d'avis que le désarmement général de la population de Damas est une mesure d'urgence que le Gouvernement ne doit pas hésiter à prendre.

2. Beyrout. La Commission demande des éclaircissements sur la nature de l'enquête commencée contre Khoorshid Pacha et les autres autorités. Son droit d'intervention dans cette enquête est évident. La Commission est disposée à l'exercer dès à présent soit personnellement, soit par ses Délégués. Même demande en ce qui concerne l'enquête projetée ou commencée contre les Druses.

3. Les Chrétiens. Il importe de les faire rentrer chez eux le plus tôt possible. Pour cela il faut d'abord aviser à l'ensevelissement des cadavres et la reconstruction des maisons, puis subvenir aux besoins des nécessiteux, et pourvoir à la sécurité de tous.

L'administration locale ayant déjà chargé 6 Comités distincts de procéder dans les différentes localités à l'évaluation des dommages, la

Commission est d'avis de désigner 6 personnes de son choix qui pourront être adjointes à chacun des 6 Comités, ou se réunir entre elles de façon à former un Comité distinct. Ces 6 personnes déléguées par la Commission exerceront un contrôle direct sur les actes des Comités auxquels elles seront adjointes.

4. Suppression provisoire de la Caimacamie Druse. La Commission a besoin de quelques explications sur cette mesure dans le cas même où la nécessité en serait démontrée, attendu qu'aucun changement, même provisoire, dans l'organisation administrative du Liban ne saurait avoir lieu sans la participation ou l'acquiescement des Grandes Puissances.

(2.)—*Protocol of Second Meeting.*

Beyrout, October 9, 1860.

CEJOURD'HUI, 9 Octobre, 1860, les Commissaires des 5 Grandes Puissances, et Abro Efendi, délégué de son Excellence Fuad Pacha, Commissaire Extraordinaire de la Porte, se sont réunis à Beyrout chez le Commissaire de Sa Majesté Britannique. La séance est ouverte à deux heures de l'après-midi, sous la présidence de M. de Weckbecker.

Le procès-verbal de la séance précédente est lu et adopté, après avoir subi quelques modifications. Abro Efendi n'ayant pas reçu encore les instructions qui doivent lui être adressées par Fuad Pacha ne croit pas pouvoir signer ce procès-verbal: un débat s'engage à ce propos.

Le Commissaire Russe donne lecture des instructions que Fuad Pacha lui-même a dû recevoir de son Gouvernement et dont le texte définitif a été communiqué aux Représentants des Puissances intéressées. Sur l'observation qui lui est faite que sa signature ne doit avoir pour effet que de constater sa présence et l'exactitude du compte-rendu, Abro Efendi se décide à signer avec tous les Commissaires le procès-verbal de la première séance.

Il renouvelle à cette occasion la réserve déjà faite par lui et déclare que les informations qu'il a fournies ne sauraient, en l'absence d'instructions de la part de Fuad Pacha, avoir aucun caractère officiel.

Lord Dufferin interpelle Abro Efendi sur un fait des plus graves à la charge de Hassan Efendi, Gouverneur de Hasbeya, et de Mustafa Pacha, Commandant des troupes dans le village de Mûnis.

Le premier aurait donné l'ordre de relâcher des prisonniers Druses, et le second, après s'être fait livrer ces prisonniers, les aurait mises en liberté.

Abro Efendi n'a aucune connaissance de cet incident, sur lequel il promet de faire des recherches.

Plusieurs des Commissaires prennent successivement la parole au sujet du droit d'intervention que possède la Commission, sans avoir pu obtenir encore la faculté de l'exercer pour ce qui regarde le procès de Khurshid Pacha, et celui des autres personnes traduites devant le tribunal extraordinaire de Beirût.

En ce qui concerne les témoignages qu'il importe de recueillir, M. de Weckbecker est d'avis que la Commission ne pourrait faire comparaître directement devant elle, en l'absence de Fuad Pacha, les personnes qui offriraient de fournir des renseignements.

Il pense qu'en agissant ainsi la Commission outrepasserait son droit.

Cette opinion est combattue par les Commissaires de Prusse et de France. Abro Efendi aborde dans le sens du Commissaire Autrichien. La Commission doit éviter, dit-il, tout ce qui pourrait porter atteinte à l'autorité souveraine du Sultan et affaiblir son prestige. Le Gouvernement fait tout ce qu'il peut. Des actes de sévérité ont eu lieu à Damas. En ce moment Fuad Pacha est dans le Liban occupé à punir les coupables, et à soulager les Chrétiens.

Le Commissaire Prussien revient au procès de Khurshid Pacha, sur lequel la Commission manque toujours d'éclaircissements.

M. Novikow regrette également que la Commission n'ait reçu du Gouvernement aucune communication, bien qu'elle ait manifesté le désir d'exercer son droit d'investigation sur la totalité des faits qui se sont produits dans ces derniers mois.

Ce droit, dit-il, a été confirmé par l'admission formelle de la Porte au principe de l'enquête collective—admission exprimée clairement dans les instructions qu'elle a adressées à son Commissaire Extraordinaire; et la Commission envisage l'exercice de ce droit comme ayant commencé pour elle depuis le moment où elle en a formulé la seconde par écrit à son Excellence Fuad Pacha par l'entremise d'Abro Efendi.

Abro Efendi fait observer qu'on doit d'abord laisser à Fuad Pacha le temps de répondre à la note dans laquelle les Commissaires lui ont fait part de leurs intentions.

Le Commissaire Français appuie la réclamation de MM. de Rehfuës et Novikow. Il attend avec impatience le moment où la Commission pourra intervenir dans l'enquête.

Le Délégué Ottoman s'étonne qu'on veuille entraver la liberté d'action de Fuad Pacha. M. de Rehfuës dit que les instructions des Commissaires ne leur prescrivent pas de commencer leurs travaux que lorsque Fuad Pacha aura terminé sa tâche.

Le Commissaire Français croit s'apercevoir que Fuad Pacha n'éprouve pas aussi vivement que les autres membres de la Commission le désir d'exercer une action commune, tandis que ceux-ci sont prêts à s'entendre avec lui.

Abro Efendi ne partage pas cette opinion.

Le Président propose à la Commission de se transporter à Mokhtarrah, où Fuad Pacha se trouve en ce moment.

M. Bécларd n'est pas de cet avis. Il eût été charmé que Fuad Pacha fût présent à Beirût, pour y prendre part aux travaux de la Commission; mais il croit que ce n'est pas à la Commission d'aller rejoindre le Plénipotentiaire Ottoman à Mokhtarrah. Dans son opinion les Commissaires des 5 Puissances devraient plutôt se transporter à Damas. Les nouvelles reçues en dernier lieu de cette ville lui paraissent fort graves. Par sa présence, la Commission parviendrait, non seulement à rassurer la population Chrétienne en intimidant les auteurs de troubles, mais à déterminer le châtiment des vrais coupables qui jusqu'à présent n'ont pas été atteints.

Il faut que la justice suspendue en quelque sorte depuis le départ de Fuad Pacha reprenne son cours. Toutefois la Commission ne devrait pas quitter Beirût avant d'avoir pris les mesures convenables pour imprimer une impulsion rigoureuse à la procédure criminelle entamée contre Khurshid Pacha et ses complices.

M. de Weckbecker est d'accord avec le préopinant sur l'utilité d'un voyage à Damas, mais la Commission pourrait se rendre dans cette ville après être allées d'abord se concerter avec Fuad Pacha à Mokhtarrah.

Le Commissaire Prussien dit qu'on ne pourra s'occuper du procès de Koorshid Pacha que lorsqu'on aura reçu la réponse du Plénipotentiaire Ottoman. Quant aux dangers qui peuvent menacer la population Chrétienne de Damas, il ne s'en rend pas bien compte.

M. Novikow se range à l'opinion de M. Bécларd sur l'opportunité d'un voyage de la Commission à Damas, tout en admettant la réserve indiquée par M. de Rehfues, c'est-à-dire, qu'on ne doit aller à Damas qu'après avoir pris une part active à l'enquête judiciaire qui se poursuit à Beirût.

Le Commissaire Prussien pense que la crainte éprouvée par les Musulmans de Damas de voir leur ville occupée par les troupes Françaises, doit être une cause de sécurité pour les Chrétiens.

Le Commissaire Français croit aussi que pour les Musulmans de Damas, l'occupation Française serait une profanation, mais il tient grand compte des haines religieuses, qui sont plus profondes que jamais. Déjà on sait que les meneurs sont en relation avec les Druses du Hauran. En frappant la tête du complot, on pourrait arrêter le mouvement qui se prépare. A l'appui de son opinion, M. Bécларd donne lecture de plusieurs passages d'un rapport officiel et d'une lettre particulière dans lesquels le Consul de France à Damas présente la situation comme s'étant modifiée dans un sens très fâcheux.

M. Bécлар donne aussi lecture de quelques fragments d'une lettre du Général de Beaufort qui sembleraient prouver que la présence de Fuad Pacha et de ses troupes dans le sud des districts mixtes n'a produit jusqu'à ce jour aucun résultat sérieux. Les Druses ont pu gagner le Haurân en traversant les défilés confiés à la garde de l'armée Turque, ou former des rassemblements sans être inquiétés.

Quant aux Chrétiens, leur misère est affreuse. Ils manquent de tout, et sont exposés à mourir de faim. Le Commissaire Français propose de venir à leur secours le plus tôt possible, soit au moyen des fonds que possèdent les Comités de Beyrout, soit même au moyen d'un emprunt. Il termine en annonçant la prochaine arrivée du Général de Beaufort, qui serait bien aise, durant son séjour à Beyrout, de se mettre en rapport avec les Commissaires.

M. de Weckbecker recommande pour venir en aide aux Chrétiens la formation d'un Comité Central de Secours. Cette proposition est généralement appuyée, même par Lord Dufferin, qui fait observer, toutefois, que le Comité Anglo-Américain n'est pas libre de se fonder dans le sein des autres Comités. Revenant sur quelques-uns des points articulés dans la lettre du Général de Beaufort, M. Bécлар parle du séquestre mis sur les grains à Baalbek. Le séquestre s'applique aux grains des Chrétiens comme à ceux des Druses.

M. de Rehfués cite à l'appui du passage relatif aux Druses, un fait qui est venu à sa connaissance. C'est qu'ils rentrent de tous côtés dans le Liban, et que, partout où ils paraissent, les soldats Turcs les protègent.

Le Commissaire Français fait observer que les massacres n'ont eu lieu, lors des derniers événements, que dans les localités où il se trouvait des garnisons Turcs. Il invoque sur ce point le témoignage de M. de Weckbecker, qui reconnaît l'exactitude de cette assertion. Abro Efendi croit pouvoir affirmer que les Druses qui rentrent dans le Liban sont ceux qui ont été rassurés par la proclamation de Fuad Pacha. Lorsqu'ils trouvent des Chrétiens installés chez eux, ils les expulsent. Interpellé par Lord Dufferin sur la question de savoir quelle mesure Fuad Pacha prenait à Mokhtârah pour mettre la main sur les Druses coupables, Abro Efendi répond, les mesures sont en voie d'exécution. Fuad Pacha ne peut pas tout faire à la fois, et la Commission doit attendre la communication des résultats obtenus avant d'émettre une opinion sur ses actes.

Le Président invite la Commission de se prononcer tant sur sa proposition que sur celle du Commissaire Français.

M. Bécлар insiste sur la nécessité de transférer le siège de la Commission à Damas.

Le Commissaire Prussien croit qu'on peut par d'autres moyens

rendre la sécurité à la population Chrétienne de Damas tandis qu'il est urgent d'intervenir dans les procès qui s'instruisent à Beirût.

Abro Efendi ne peut, dit-il, faire aucune communication relativement à ce procès avant d'y avoir été autorisé par ses instructions.

Le Président fait observer que la Commission ne peut agir que de concert avec Fuad Pacha.

Abro Efendi demande si les investigations de la Commission doivent s'exercer pendant le cours de la procédure ou après l'achèvement du procès.

Il lui est répondu que dans le dernier cas les investigations le plus souvent seraient illusoires. Sur l'insistance du Président, qui juge nécessaire pour la Commission de se rendre à Mokhtârah, afin d'entrer en rapport direct avec Fuad Pacha, le Commissaire Prussien exprime l'opinion qu'après ce qui s'est passé, une telle démarche serait contraire à la dignité des Commissaires. Cette opinion est partagée par le Commissaire Français, mais combattue par Abro Efendi, qui trouve que la question d'humanité doit passer avant tout.

Le Commissaire Russe insiste sur la nécessité de sortir de l'inaction dans laquelle la Commission se trouve. Il veut qu'on intervienne sans retard dans l'enquête ouverte à Beirût.

Tous les Commissaires reconnaissent qu'il y a lieu pour eux de se rendre à Damas, mais l'époque de ce voyage, tout en devant être prochaine, n'est pas définitivement arrêtée.

Le Commissaire Français dépose sur le bureau une requête des habitants Chrétiens du Haurân, qui se plaignent de l'affreuse situation à laquelle ils sont réduits.

Il est décidé, sur la proposition du Président, que cette question sera examinée dans la séance suivante.

Il est également décidé que M. de Weckbecker se mettra en rapport avec les Présidents des Comités de Secours institués à Beirût, et les invitera à se rendre dans le sein de la Commission.

La séance est levée à cinq heures et demie.

(Suivent les signatures.)

(8.)—*Protocol of Third Meeting.*

Beyrout, October 11, 1860.

CEJOURD'HUI, Jeudi, 11 Octobre, 1860, à deux heures de l'après-midi, la Commission Internationale, assistée d'Abro Efendi, Délégué Ottoman, s'est réunie à Beyrout sous la présidence de M. de Weckbecker. MM. Moore, Consul-Général de Sa Majesté Britannique, Canaris, Consul de Sa Majesté Hellénique, et le Comte de Perthuis, tous 3 Présidents des Comités de Secours institués à

Beyrout, sont introduits. Le Commissaire Autrichien prenant la parole invite ces messieurs à se mettre en rapport avec la Commission, et sur leur adhésion il est décidé que les 3 Présidents des Comités de Secours, auxquels s'adjoindra ultérieurement M. de Weckbecker lui-même comme Président d'un Comité Autrichien en voie de formation, constitueront un Comité Directeur qui recevra de la Commission Internationale son impulsion, pour la répartition et l'emploi des sommes fournies par la charité publique. A la demande de M. Novikow, il est pareillement décidé qu'une place sera réservée dans le Comité Directeur au Président du Comité Russe qui doit être formé lors de l'arrivée des fonds recueillis en Russie.

MM. Moore, Canaris, et de Perthuis s'étant retirés, le Président déclare la séance ouverte. Il est donné lecture du procès-verbal, qui après quelques modifications est signé par les Commissaires et par le Délégué Ottoman.

Le Commissaire Français donne communication de la requête adressée à la Commission Internationale par les Chrétiens du Haurân et dont l'examen avait été ajourné.

Lord Dufferin s'adressant à Abro Efendi demande s'il est vrai que le procès de Said Bey Jumblât soit déjà commencé.

Réponse affirmative d'Abro Efendi. Lord Dufferin : " Depuis quand ? " Abro Efendi : " Depuis que le Tribunal Extraordinaire a été institué. " Lord Dufferin : " Je désire connaître non pas la date de son arrestation, mais celle du jour où Said Bey Jumblât a comparu pour la première fois devant ses juges. " Abro Efendi : " Le procès de Said Bey Jumblât a commencé peu de jours après son arrestation. "

Le Président croit devoir faire observer à la Commission qu'il importe avant tout de savoir dans quelle mesure elle peut exercer son droit d'intervention dans la procédure suivie contre les inculpés ; or, suivant l'opinion déjà exprimée par lui, cette procédure se compose de deux parties distinctes : l'instruction, à laquelle les Commissaires doivent rester étrangers, et la défense, à laquelle ils peuvent assister. Mais encore faut-il savoir quand finit l'instruction et quand commence la défense. Quant au procès de Said Bey Jumblât, on doit supposer qu'il est déjà instruit, puisque cet accusé est en présence de ses juges. Abro Efendi reconnaît que le tribunal est saisi de l'affaire. Le Président en conclut que la Commission peut intervenir dans le procès.

M. de Behfues demande si le Délégué Ottoman a reçu des instructions.

Abro Efendi déclare les avoir reçues et donne lecture d'une pièce rédigée par Fuad Pacha en réponse au Mémoire annexe au procès-verbal de la première séance.

Il est décidé qu'une copie de cette réponse sera jointe au présent Protocole.

Abro Efendi fait également connaître les principales dispositions d'un règlement provisoire élaboré par Fuad Pacha pour la partie mixte du Liban, momentanément divisée en 4 cercles.

La Commission se réserve d'examiner ce règlement lorsqu'il aura été traduit, et une discussion s'élève sur l'opinion émise par Fuad Pacha dans la réponse au deuxième point du Mémoire, à savoir, sur les difficultés qu'il oppose à l'intervention immédiate et directe de la Commission dans la procédure pendante devant le tribunal extraordinaire de Beyrouth contre Khurshid Pacha et les autres inculpés.

Les membres de la Commission prennent tour à tour la parole et expriment unanimement l'opinion qu'ils ne font que réclamer l'exercice d'un droit incontestable en demandant à assister, personnellement ou par des délégués, aux audiences du Tribunal Extraordinaire de Beyrouth. La distinction établie par Fuad Pacha entre l'enquête générale, pour laquelle il reconnaît la compétence des Commissaires, et l'enquête judiciaire, dont il prétend les exclure, est combattue avec force par tous les orateurs. Tous maintiennent expressément leur droit et invitent Abro Efendi à provoquer de la part du Plénipotentiaire Ottoman une nouvelle décision plus conforme aux instructions identiques dont ils sont munis, comme à ses propres instructions. Cette discussion, qui remplit la majeure partie de la séance, n'est suspendue qu'à de rares intervalles, pendant l'un desquels Abro Efendi communique à la Commission une lettre de Fuad Pacha relative à un engagement qui a eu lieu à Medjdel Champs entre un parti de Druses et les troupes commandées par Mustapha Pacha. Dans cette rencontre, sur laquelle on manque encore des détails, les Druses ont été complètement battus. Fuad Pacha annonce également à Abro Efendi son départ pour Damas.

Le Délégué Ottoman s'efforce de soutenir l'opinion de Fuad Pacha sur le rôle assigné aux Commissaires, mais son argumentation ne peut prévaloir, et il déclare qu'il en référera au Commissaire Extraordinaire de la Sublime Porte.

Tous les membres de la Commission déclarent de leur côté qu'ils entendent exercer leur droit dans toute sa plénitude en assistant à l'enquête judiciaire partout où une pareille enquête est ouverte.

Cette enquête est pour eux un des éléments essentiels de l'enquête générale, à laquelle ils doivent se livrer. Sur leur invitation réitérée Abro Efendi s'engage à transmettre à Fuad Pacha l'expression du vœu formellement émis par la Commission. La réponse à cette notification sera communiquée dans la séance suivante.

Le Commissaire Russe soumet à la Commission les renseignements qui lui sont parvenus sur l'état précaire des Chrétiens du Haurân. Il faut observer d'abord que, pendant les massacres, les Sheikhs Druses paraissent avoir généralement suivi le système de porter le meurtre et le pillage dans les districts voisins, tout en épargnant, plus ou moins, les Chrétiens de leurs propres districts, dans le but de s'en prévaloir après pour obtenir leur grâce. Le même système a été suivi par le fameux brigand Ishmaïl Attrash, Sheikh Druse du Haurân, qui a dirigé les massacres de Kasheya. Or, d'après les informations parvenues à M. Novikow, ce Sheikh, ayant rendu quelques services aux Chrétiens des villages avoisinant sa résidence de Noura, obligerait maintenant ces mêmes Chrétiens à intercéder en sa faveur auprès du Gouvernement en les menaçant de sa vengeance s'ils ne le faisaient pas. Les forces considérables dont il dispose depuis l'arrivée dans le Haurân des Druses émigrés du Liban et sa férocité connue rendraient l'exécution de ses menaces fatale aux Chrétiens de sa province.

La Commission décide que cet incident sera porté à la connaissance de Fuad Pacha.

La séance est levée à cinq heures trois quarts.

(Suivent les signatures.)

Annexe 1.

1. Damas. La Commission demande communication des dossiers relatifs à la procédure suivie contre les coupables ou accusés. Cette communication doit lui servir à se former une opinion sur la question de savoir s'il y a lieu d'exercer de nouvelles poursuites. La Commission est d'avis que le désarmement général de la population de Damas est une mesure d'urgence que le Gouvernement ne doit pas hésiter à prendre.

1. Damas. On s'empressera de satisfaire la demande de la Commission concernant la communication des dossiers relatifs à la procédure suivie contre les coupables et les accusés. Fuad Pacha donnera, immédiatement, ordre au Tribunal Extraordinaire ainsi qu'au Conseil de Guerre qu'il avait institués d'office qu'ils communiquent à la Commission les dossiers de tous les procès.

Quant à l'avis de la Commission sur le désarmement de la population de Damas, cette mesure a été arrêtée par l'autorité dans le but de rendre stable la tranquillité de cette ville, mais d'autres mesures plus urgentes l'avaient obligé d'en ajourner l'exécution. Fuad Pacha déclare qu'aussitôt

2. Beyrouth. La Commission demande des éclaircissements sur la nature de l'enquête commencée contre Khurshid Pacha et les autres autorités. Son droit d'intervention dans cette enquête est évident; la Commission est disposée à l'exercer dès à présent, ou personnellement, ou par des délégués.

Même demande en ce qui concerne l'enquête projetée ou commencée contre les Druses.

que les circonstances lui permettront de retourner encore à Damas et de prendre ses dispositions il mettra immédiatement en exécution cette mesure, déjà arrêtée en principe.

2. Beyrouth. Le Tribunal Extraordinaire nommé d'office par Fuad Pacha, et qui siège à Beyrouth, sera chargé de donner à la Commission tous les éclaircissements sur la nature de l'enquête commencée contre Khurshid Pacha et les autres autorités.

On n'hésite pas à reconnaître la participation de la Commission à l'enquête, mais les instructions de la Porte élaborées avec les Représentants des Puissances à Constantinople établissent une distinction entre l'enquête générale et les procès qui s'ensuivront contre les accusés sujets du Sultan. L'intervention de la Commission personnellement ou par délégation dans l'enquête, en participant aux travaux du tribunal qui est appelé à juger les accusés et à condamner les coupables, changera les dispositions de ces instructions. Il faut conserver cette distinction entre l'enquête générale et la procédure de ceux qui seront accusés individuellement par suite de cette enquête même.

Fuad Pacha est d'avis que la Commission doit s'occuper d'abord d'une enquête générale sur les derniers événements du Liban, recueillir des informations sur la nature de la guerre civile qui a éclaté entre les Chrétiens et les Druses. Ce sera un procès entre les deux popula-

tions qui établira en premier lieu la cause de ces événements, la culpabilité générale, pour ainsi dire, des Druses et celle des autorités qui n'ont pas fait leur devoir. Cette enquête générale mettra la Commission à même de désigner à l'autorité d'autres individus qui ne sont pas encore entre les mains de la justice, et le Tribunal Extraordinaire établi à Beyrouth communiquera à la Commission les dossiers de tous les procès pour montrer comment il a rempli son mandat ; elle servira aussi comme un point de départ dans la question des indemnités en établissant la nature de ce grand conflit entre les deux peuplades de la Montagne. Les autorités locales ainsi que le Tribunal Extraordinaire seront appelés à donner par l'entremise du Délégué Ottoman toutes les informations, et à communiquer les pièces que la Commission sera dans le cas de demander ; la Commission donnera son avis, par la même entremise, au tribunal sur les différents procès dont il s'occupera. Si la Commission admet cette manière de procéder le Délégué Ottoman s'empressera de mettre à exécution ces derniers points.

3. Les Chrétiens. Il importe de les faire rentrer chez eux le plus tôt possible. Pour cela il faut d'abord aviser à l'ensevelissement des cadavres et à la reconstruction des maisons, puis subvenir aux besoins des nécessiteux et pourvoir à la sécurité de tous.

L'administration locale ayant

3. Les Chrétiens.—L'autorité s'occupe assidument du rétablissement des Chrétiens dans leurs foyers. Partout les cadavres ont été ensevelis ; il n'en restait qu'à Deir-el-Kamar qui ont tous été aussi entièrement inhumés. L'autorité a pris les mesures nécessaires pour la reconstruction

déjà chargé 6 Comités distincts de procéder dans les différentes localités à l'évaluation des dommages, la Commission est d'avis de désigner 6 personnes de son choix qui pourront être adjointes à chacun des 6 Comités ou se réunir entre elles de façon à former un Comité distinct. Les 6 personnes déléguées par la Commission exerceront un contrôle direct sur les actes des Comités auxquels elles seront adjointes.

des maisons brûlées. On a déjà commencé à donner des secours aux habitants des villages qui se trouvent aux environs de Beyrouth. Fuad Pacha a envoyé un Commissaire *ad hoc* à Bekâa pour veiller à la reconstruction des maisons des villages situés sur le versant oriental de la Montagne et de la plaine, avec l'autorisation de faire couper dans les villages Musulmans et Druses le bois qui leur sera nécessaire, et dans les districts de Djezzin et d'autres où on peut se procurer du bois on procédera de la même manière. Quant à Deir-el-Kamar, dépourvu de bois et obligé d'en faire venir de Beyrouth, un secours en argent a été assigné à ses habitants comme à compte sur les indemnités données pour la construction des maisons.

Les grains qui appartenaient aux chefs Druses et qui ont été trouvés dans le Bekâa et dans la Montagne seront destinés à nourrir les Chrétiens qui se rétablissent dans leurs villages : deux petits convois ont été déjà envoyés à Deir-el-Kamar et à Zahlé.

Fuad Pacha s'occupe en ce moment-ci de l'affaire de la restitution des objets pillés par les Druses ; pour recouvrer surtout des lits et des couvertures qui sont d'une absolue nécessité aux Chrétiens, et qui leur seront délivrés. Les Commissions mobiles parcourent les villages Druses et obtiennent, quoique peu, des objets qui serviront à ce but.

La terreur a amené le calme

dans la Montagne ; mais après une si grande agitation il faut quelque temps pour y rendre la sécurité absolue. Les dispositions sont prises pour couvrir les Chrétiens qui rentrent chez eux, et pour empêcher les conflits partiels qui peuvent se produire entre les deux populations, qui se trouvent aujourd'hui en force, l'une accusative et l'autre accusée.

Les 6 Comités institués par l'Administration Locale n'ont d'autre mission que de faire des évaluations sur les dépenses de reconstruction des maisons, évaluations qui serviront de base aux secours qu'on doit donner aux Chrétiens pour leur rétablissement. L'estimation des dommages est une autre question, pour laquelle on doit établir d'abord une base et un principe ; l'enquête générale servira, comme il est dit plus haut, comme un point de départ pour l'estimation de ces dommages. Une fois que ce principe sera établi, la Commission suggérera à l'autorité le meilleur moyen de procéder à l'évaluation des dommages. Fuad Pacha est d'avis que le meilleur mode de procéder aux estimations sera la nomination par l'autorité de Commissions composées de jurés qui seront choisis par le Conseil de la province, et auxquelles seront admis deux délégués de chaque district dont les habitants ont éprouvé des dommages. Un Comité arbitre, qui sera nommé et choisi de la même manière, siégera à Beyrouth pour décider en dernier ressort sur les

4. Suppression provisoire de la Caimacamie Druse. La Commission a besoin de quelques explications sur cette mesure, dans le cas même où la nécessité en serait démontrée, attendu qu'aucun changement, même provisoire, dans l'organisation administrative du Liban ne saurait avoir lieu sans la participation et l'acquiescement des Grandes Puissances.

réclamations qui peuvent s'élever contre l'estimation des Commissaires. Quant aux dommages éprouvés par des étrangers, des Commissions *ad hoc* seront nommées, dans lesquelles les Consuls respectifs seront représentés par des délégués.

4. Suppression provisoire de la Caimacamie Druse. L'arrestation préventive du Caimacam des Druses, et de quelques-uns des Moukatadjis, et la fuite des autres, qui sont déchus de leurs charges et droits d'après l'arrêté promulgué par Fuad Pacha, a laissé la Montagne Druse sans une administration régulière ; elle se trouve actuellement sous le régime militaire en attendant la nouvelle organisation de la Montagne qui se fera après entente avec les Grandes Puissances. On a dû, pour empêcher l'anarchie, et pour créer une autorité qui pourra veiller à la sécurité du pays, et surtout aux besoins des Chrétiens qui se réinstallent chez eux, établir une administration provisoire. Comme on ne pourrait en ce moment-ci songer à nommer un Caimacam choisi parmi les Druses, et sous-administrateurs des Moukatadjis, Fuad Pacha a décidé de partager cette Caimacamie en quatre cercles, d'établir dans chacun une administration municipale, et de mettre à leur tête un Mudir nommé par l'autorité ; et il était à la veille de communiquer ces dispositions provisoires, contenues dans un règlement, dont le Délégué Ottoman est chargé de communiquer une copie à la

Commission. Fuad Pacha s'occupe en ce moment-ci du choix des personnes qui seront nommées Mudirs ; aussitôt qu'il aura choisi ces personnes il mettra en exécution ce règlement.

(Traduction.)

Annexe 2.

RÈGLEMENT spécial établi provisoirement par le Commissaire Extraordinaire délégué pour organiser les affaires de Syrie. Ce règlement est destinée à être mis en vigueur dans la Caimacamie Druse dans les circonstances actuelles, comme sauvegarde des intérêts de l'Empire et des sujets jusqu'à ce que des dispositions générales, étudiées sous toutes leurs faces, aient été définitivement prises à l'effet d'assurer une parfaite tranquillité à l'ombre de la justice de Sa Majesté, à tous les sujets de la Sublime Porte qui habitent la Montagne des Druses.

ART. I. La Caimacamie Druse, à laquelle on a adjoint seulement Deir-el-Kamar, a été divisée en quatre cercles : le premier se composant de Djebel-el Riham, du district de Djezzin, pour chef-lieu ; le deuxième du Chouf Haity, du Chouf Souweidjany, et du district d'El Kharrout—chef-lieu Mokhtârah ; le troisième de l'Arkoub, du Djeurd, et du Menassif—chef-lieu Deir-el-Kamar ; et le quatrième du Chahhur, du Haut et du Bas Gharb—chef-lieu Abeih. Chacun de ces cercles contient les Mokataa dont les noms et le nombre (de villages) sont inscrits dans le registre arrêté (du temps de Chekib Efendi).

II. Chaque cercle aura un Mudir nommé par l'autorité.

III. Il sera nommé auprès de chaque Mudir 5 adjoints ("Meawen") qui seront, sous la présidence de ce Mudir, les membres du Medjlis du cercle.

IV. Cette Caimacamie renferme des habitants appartenant à 4 religions différentes — Musulmans, Chrétiens, Metualis, et Druses. Quand l'un des cercles renfermera des populations des 4 communautés le nombre de l'une d'elles étant nécessairement supérieur aux autres, il sera choisi deux adjoints dans la communauté la plus nombreuse et 3 dans les autres inférieures en nombre. Si dans l'un des cercles il n'y a que 3 communautés au lieu de 4, 3 adjoints seront choisis dans la plus nombreuse et chacune des deux autres en formera un. Le cercle se compose-t-il de deux communautés seulement, la plus nombreuse fournira 3 adjoints et l'autre deux. Si enfin le cercle ne renferme qu'une seule communauté les 5 adjoints seront pris dans son sein.

V. L'élection des adjoints de chaque communauté se fera au moyen des Sheikhs (doyens) des villages appartenant à la dite com-

communauté, c'est-à-dire, que les Sheikhs des villages d'une même communauté se réuniront en Conseil (Medjlis) et éliront les adjoints chargés de représenter leur communauté. Ces adjoints pourront être aussi bien des habitants du chief-lieu que des gens des villages. Les personnes à élire devront être honnêtes, dignes de confiance, et surtout ne s'être mêlées en aucune façon, soit aux derniers événements de la Montagne, soit à d'autres.

VI. Le Medjlis du cercle ainsi composé aura pour mission de s'occuper des intérêts du pays, et il lui est accordé la faculté de juger les procès au même degré qu'un Medjlis de Cadha (sous-district).

VII. Suivant l'importance des communautés de chacun des villages du cercle, il y aura un Sheikh pour chacune d'elles, et chaque Sheikh aura à son tour deux Moukhtars (Chefs de Quartier). Ces Sheikhs et Moukhtars auront à s'occuper ensemble des intérêts de leur communauté en arrangeant les affaires et les différences qui pourraient survenir entre leurs co-religionnaires.

Dans les villages dont la population est mixte, si une question d'un intérêt général pour le village venait à surgir, les Sheikhs et les Moukhtars de ce village auraient à se réunir pour s'occuper de la vider à l'amiable.

Tous les Sheikhs des communautés ainsi que les Moukhtars devront être choisis parmi les personnes qui ne se sont en aucune manière compromises ni dans les derniers événements ni dans tout autre.

Le Mudir délivrera à chacun d'eux un teskéré (diplôme) de "memour" (fonctionnaire).

VIII. Outre les troupes Impériales qu'il est indispensable d'établir sur les points de la Montagne jugés convenables dans le but de maintenir la tranquillité générale, il sera employé dans chaque cercle suivant le besoin des soldats irréguliers qui seront au service des Mudirs respectifs. La moitié au moins de ces soldats sera prise parmi les habitants du cercle. Chaque communauté fournira son contingent en proportion de son importance.

(4.)—*Protocol of Fourth Meeting.*

Beyrout, October 15, 1860.

CEJOURD'HUI Lundi, 15 Octobre, 1860, la Commission Internationale, assistée d'Abro Efendi, délégué Ottoman, s'est réunie à Beyrout sous la présidence de M. de Weckbecker, Commissaire d'Autriche.

La séance ayant été ouverte à deux heures moins un quart, le procès-verbal est lu et adopté. A l'occasion du paragraphe relatif à la formation d'un Comité directeur chargé de diriger l'action des

divers Comités de Secours, la Commission prend acte de ce qu'un Comité Russe vient d'être constitué et de ce que le Comte Benti-voglio a été invité par son Gouvernement à présider le Comité Français.

M. de Rehfues rappelle que la Commission a décidé que ses délégués seraient adjoints par elle aux Comités d'Evaluation envoyés par le Gouvernement dans les divers districts de la Montagne.

Abro Efendi répond que ces Comités ont été formés, non pour régler la question des indemnités, mais pour faire en sorte que les Chrétiens puissent être réinstallés chez eux le plus tôt possible. Quant aux délégués de la Commission ils ne pourraient être admis dans les Comités qu'à titre officieux : désignés par la Commission ils seraient nommés par le Gouvernement.

Lord Dufferin désirait savoir combien de personnes ont été secourues jusqu'à présent, combien de maisons relevées, combien de villages reconstruits. Abro Efendi promet, pour la séance suivante, des renseignements précis à ce sujet.

M. Novikow demande si des mesures ont été prises pour la réinstallation des Chrétiens de l'Anti-Liban. Il doute que, vu la saison avancée, et le peu de sécurité de leur pays, ces Chrétiens puissent être réintégrés dans leurs foyers dans le courant de cette année.

Abro Efendi répond qu'on va s'en occuper, et que, en attendant, les Chrétiens dont il s'agit sont réfugiés à Beyrout, à Saida, et à Sûr. En réponse à de nouvelles interpellations de M. de Rehfues et de Lord Dufferin, Abro Efendi assure que les secours distribués par le Gouvernement n'ont jamais été suspendus ; ces secours sont accordés aux habitants de Rasheya Hasbeya, Deir-el-Kamar, et Damas. La dépense qui en résulte s'élève à environ 500,000 ou 600,000 piastres par mois, indépendamment des autres frais.

Lord Dufferin exprime le désir qu'à l'ouverture de chaque séance il soit rendu compte à la Commission, tant par le Gouvernement que par le Comité Directeur récemment formé, des secours distribués de part et d'autre, ainsi que des mesures prises pour rétablir les Chrétiens dans leurs villages.

M. de Rehfues appelle de nouveau l'attention de ses collègues sur les Comités d'Evaluation. Il pense que les personnes adjointes à ces Comités auront au moins le droit de faire valoir les réclamations qui leur seront présentées.

Abro Efendi répond que ces personnes auront les mêmes droits que les autres membres des Comités.

Il entre ensuite dans de nouvelles explications sur la mission confiée aux Comités, composés d'hommes spéciaux, qui ne s'occupent en aucune façon du règlement des indemnités. Que si, ajoute-t-il,

la Commission veut bien lui désigner 6 personnes de son choix, il s'empressera de les faire nommer.

Il est décidé que cette désignation aura lieu dans la séance suivante.

M. Novikow demande si à l'approche de l'époque où l'on a coutume de récolter les olives, l'autorité a pris des mesures pour assurer cette récolte aux environs de Hasbeya.

Abro Efendi croit qu'en effet des mesures ont été prises à cet égard.

Le Délégué Ottoman dépose sur le bureau (1) une copie de la lettre qui lui a été adressée de Damas par Fuad Pacha ; (2) une note reproduisant *in extenso* les paroles prononcées par lui dans la troisième séance pour annoncer le départ de Fuad Pacha.

Il est décidé, sur sa demande, que ces deux documents seront annexés au présent procès-verbal.

Abro Efendi déclare, en outre, être prêt à répondre à diverses interpellations qui lui ont été adressées dans les séances précédentes.

Relativement à Shakir Pacha, auquel M. Novikow regrettait qu'on eut laissé la faculté de se rendre à Constantinople, Abro Efendi, d'après les informations officielles qu'il a reçues, fait savoir que cet officier a été acquitté, à Damas, par le même Conseil de Guerre qui a prononcé la condamnation à mort de l'ex-Mushir Ahmed Agha. La communication des dossiers éclairera la Commission sur les détails de l'acquittement de Shakir Pacha.

Quant à Nûri Bek, sur lequel le Commissaire Français avait appelé la sévérité du Gouvernement, Abro Efendi croit pouvoir répéter ce qu'il avait déjà dit, à savoir, que cet officier avait été mandé à Beyrout en vertu d'une décision du Tribunal Extraordinaire.

L'interrogatoire subi depuis lors par Nûri Bek n'ayant pas satisfait le tribunal, il a été mis en état d'arrestation.

En ce qui concerne Hosni Bek, aucune accusation n'a jamais été élevée contre cet officier, qui s'étant conduit avec honneur et droiture dans le procès des officiers à Damas, a été appelé à siéger dans le Conseil Extraordinaire de Beyrout. Toutefois M. Béclard est prié de faire connaître les charges qui pèseraient sur lui, afin que si elles étaient fondées le tribunal en fût immédiatement saisi.

Pour ce qui est des assertions de M. Béclard touchant la nécessité d'atteindre les vrais coupables à Damas et de faire en sorte que la justice reprenne son cours, Abro Efendi se dit en mesure d'informer la Commission que le Tribunal Extraordinaire siégeant à Damas n'a pas un moment ralenti ses travaux, et qu'il les continue sans relâche en étendant ses poursuites aux individus qui lui sont dénoncés par les Chrétiens, ou dont la culpabilité résulte des déclara-

ractions faites par les autres accusés. Plusieurs exécutions même ont eu lieu pendant l'absence de Fuad Pacha. Les personnes auxquelles M. Béclard faisait sans doute allusion, à savoir, les membres du Conseil, ainsi que la plupart des notables du pays, ont été arrêtés dans le temps et mises en accusation ; mais jusqu'à présent, et malgré les recherches les plus minutieuses, aucune preuve n'a pu être fournie contre elles.

A défaut de preuves suffisantes pour leur condamnation, on les expulsera de Damas à perpétuité.

Abro Efendi est également autorisé à annoncer que Fuad Pacha, tout en réservant l'opinion de son Gouvernement, ne s'oppose pas à ce que les membres de la Commission ou leurs délégués assistent aux audiences du Tribunal Extraordinaire de Beyrout. Les étrangers de distinction pourront même y être admis et se convaincre, comme les Commissaires eux-mêmes, de la régularité avec laquelle procède le tribunal.

La Commission accepte le bénéfice de cette solution, tout en réservant à son tour la question de principe.

Il est convenu que, dès le lendemain, les Commissaires ou leurs délégués pourront assister à l'audience : s'ils ont quelques observations à faire sur la marche de la procédure, ils présenteront ces observations dans le sein de la Commission, soit au Commissaire Extraordinaire de la Sublime Porte, soit à son délégué.

Le Commissaire Français dit avoir reçu du Consul de France à Damas un rapport en réponse aux questions qu'il lui avait posées après s'être concerté à ce sujet avec ses collègues. Il donne lecture de quelques passages de ce rapport dans lequel M. Outrey, après avoir dépeint l'état toujours précaire de la population Chrétienne, signale les méfaits d'un certain Ibrahim Karami, accorde des louanges à l'activité du Commandant militaire Khaled Pacha, et critique l'application intelligente de la mesure relative au rachat du service militaire moyennant une contribution de 20,000 piastres.

Abro Efendi fait observer qu'Ibrahim Karami vient d'être mis en état d'arrestation par ordre de Fuad Pacha.

Il annonce également à la Commission que le Plénipotentiaire Ottoman doit arriver prochainement à Beyrout, où il aura l'honneur de présider l'une des séances suivantes. D'après les nouvelles les plus récentes, la situation de Damas serait aussi satisfaisante que possible. Toutes les mesures sont prises pour calmer l'inquiétude des Chrétiens et pour abattre les Druses.

M. Novikow demande quelle suite a été donnée au projet de désarmement général.

Abro Efendi pense que Fuad Pacha est fermement décidé à le mettre à exécution.

A la demande de M. Béclard, le délégué Ottoman entre ensuite

dans quelques détails sur le procès de Khurshid Pacha et sur celui des deux autres principaux inculpés, Vassî Efendi et Ahmed Efendi.

La séance est levée à trois heures un quart.

(Suivent les signatures.)

Annexe 1.

Le paragraphe suivant devait figurer dans le Protocole de la troisième séance :

“FUAD PACHA ayant appris qu'une panique s'était emparée des Chrétiens de Damas, a décidé de partir pour cette ville, et je crois qu'il y est à l'heure qu'il est.

“Quoique le Plénipotentiaire du Sultan ait reçu des autorités militaires et civiles de Damas les assurances les plus positives sur le maintien de la tranquillité, assurances qui s'appuient d'une part sur la force suffisante qui se trouve dans la ville, et sur la présence d'autre part de Halim Pacha à 4 heures de distance de Damas, a néanmoins désiré de s'y rendre en personne dans le seul but de tranquilliser par sa présence les esprits qui s'étaient alarmés à son grand étonnement.

“Son désir de donner de plus près une direction à la poursuite des coupables Druses recelés du côté du Haurân n'est pas étranger à son départ pour Damas.”

Annexe 2.—Fuad Pasha to Abro Efendi.

MON CHER ABRO,

Damas, le 10 Octobre, 1860.

COMME je vous le disais dans ma première lettre, je suis parti de Mokhtârah hier dans la matinée, et après une course de 24 heures je suis arrivé à Damas. J'ai trouvé la ville dans un état de tranquillité aussi satisfaisant que lorsque je l'ai quittée.

Les rumeurs et les bruits que l'on a fait courir sur une soi-disant fermentation de la population ne sont que le résultat des intrigues. Un bon nombre de Chrétiens que j'ai questionnés m'ont avoué que les signes de croix que l'on avait faits sur les maisons des Chrétiens, au lieu de provenir des Musulmans, sont plutôt l'œuvre de quelques-uns des leurs qui désirent partir pour Beyrout ou qui voudraient y retenir leurs proches et leurs amis, et qui font des machinations pour répandre la terreur parmi leurs co-religionnaires et les entraîner à l'émigration.

Veuillez donner tous ces détails à MM. les Commissaires et aux personnes qui vous entourent, et ajoutez, s'il vous plait, que j'ai été réellement si satisfait du calme qui règne dans la ville que j'ai reconnu l'inutilité et la superfluité de certaines mesures militaires, un peu sévères, qui ont été adoptées.

Agréé, &c.

Abro Efendi.

FUAD.

(5.)—*Protocol of Fifth Meeting.**Beyrout, October 23, 1860.*

CE JOURD'HUI, Mardi, 23 Octobre, 1860, à deux heures de l'après-midi, les Membres de la Commission Internationale, assistés d'Abro Efendi, Délégué Ottoman, se sont réunis à Beyrout sous la présidence de M. de Weckbecker, Commissaire d'Autriche.

Le procès-verbal de la séance précédente est lu et adopté.

Le Commissaire Prussien interpelle Abro Efendi sur la question de savoir pourquoi l'on exige des habitants de certaines localités des quittances définitives en échange des sommes qui leur sont allouées par les Comités d'Evaluation.

Abro Efendi répond que les sommes ainsi allouées ne sont pas même des à-compte sur le montant des indemnités, mais seulement des secours. Quant aux quittances exigées des habitants, il nie que ce soient des quittances définitives, et assure que ce sont de simples recépissés.

Une discussion s'engage à ce propos et les divers Membres de la Commission y prennent part. Lord Dufferin est d'avis que tous les doutes cesseraient si les Délégués de la Commission étaient adjoints aux Comités, ainsi que cela avait été précédemment décidé. On se demande qui rétribuera les Délégués, ou du moins qui leur remboursera leurs frais d'entretien et de déplacement. Abro Efendi déclare qu'ils recevront du Gouvernement la même rétribution que leurs collègues. Cet engagement n'est pas accepté par la Commission.

Abro Efendi fait savoir que les Comités sont actuellement au nombre de 8. Un seul est composé de 5 membres; les autres n'en comptent que 4: total, 33. Il y a dans chaque Comité un Musulman, un Chrétien, un menuisier, et un maître maçon montagnard.

Partis de Beyrout, ces Comités parcourent, en corps, les villages de la circonscription qui leur est assignée. Leurs travaux seront terminés dans une vingtaine de jours.

M. de Weckbecker pense que si les allocations actuelles ne sont délivrées qu'à titre de secours, la Commission ne pourrait envoyer ses Délégués que lorsqu'on s'occupera des évaluations définitives.

M. de Behfues maintient son assertion relativement aux quittances exigées des habitants, et que ceux-ci souscrivent par ignorance de l'avenir et pour ne pas être frustrés d'une indemnité même insuffisante.

Abro Efendi demande les noms de ceux qui ont souscrit de pareilles quittances; mais le Commissaire Prussien ne croit pas pour le moment devoir les faire connaître.

La question de l'adjonction des Délégués est encore réservée par la Commission jusqu'à plus ample information.

Abro Efendi donne lecture d'une lettre qu'il a reçue de Fuad Pacha en réponse aux allégations contenues dans un rapport du Consul de France à Damas, dont plusieurs passages ont été communiqués à la Commission par M. Bécлар. Il demande que la lettre de Fuad Pacha soit annexée au présent procès-verbal.

Le Commissaire Français ne s'y oppose pas, mais il conteste les rectifications de Fuad Pacha; il croit, au contraire, que toutes les informations de M. Outrey ont été puisées à bonne source et ne sont pas de nature à être démenties.

M. de Rehfues fait remarquer à la Commission que les personnes condamnées en dernier lieu à Damas, telles que Abdallah el Halebi et autres, sont arrivées à Beyrouth en pompeux équipage, avec une suite nombreuse et dans des conditions de confort qui contrastent avec le mode habituel de transport des condamnés.

Abro Efendi répond que les personnes en question ont été éloignées de Damas dans le but principal de calmer les inquiétudes des Chrétiens. Leur culpabilité n'a pu être établie par aucune preuve positive, et la seule charge qui pèse sur eux est de n'avoir pas empêché les désordres de Damas.

MM. Novikow et de Rehfues s'étonnent que la peine de la détention perpétuelle ou même à terme ait été ainsi prononcée, comme mesure administrative, contre des individus réputés innocents.

M. de Weckbecker trouve que la Commission a surtout à se plaindre de n'avoir reçu aucune communication relativement aux récentes condamnations. Jusqu'à ce que les dossiers aient été soumis à la Commission, il conviendrait que les condamnés fussent retenus à Beyrouth.

M. Bécлар annonce qu'il se propose d'appeler l'attention du Commissaire Extraordinaire de la Porte, dès que ce dernier sera de retour à Beyrouth, sur les poursuites à exercer contre les auteurs des massacres à Saida. Ceux-ci jusqu'à présent sont restés impunis. Abro Efendi explique cette impunité par le fait que Fuad Pacha n'a pu faire à Saida qu'un séjour de courte durée; mais il est convaincu qu'à Saida comme ailleurs les coupables recevront le châtiment qu'ils ont mérité.

Le Commissaire Prussien croit devoir présenter de nouvelles observations sur la réponse faite par Fuad Pacha au memorandum de la Commission en ce qui concerne la participation qu'elle peut prendre à l'enquête. La distinction établie entre l'enquête générale et l'enquête judiciaire ne saurait être admise par la Commission qu'à la condition de maintenir rigoureusement pour celle-ci le droit qui lui appartient de rechercher, aux termes des instructions identiques, la part de responsabilité des chefs de l'insurrection et des agents de l'administration. Or, ce droit elle ne peut l'exercer sans intervenir dans le procès.

Abro Efendi fait observer que la Commission recevra communication des dossiers, et qu'après les avoir examinés elle pourra formuler son opinion.

Le Commissaire Russe n'admet pas qu'un jugement puisse être rendu ni exécuté sans que la Commission en ait eu connaissance.

Abro Efendi réserve sur ce point l'opinion de Fuad Pacha, qui doit arriver le jour même à Beyrout. Il dit que lorsque tous les procès seront suffisamment instruits on rendra des jugements en masse, mais il ne croit pas que les Commissaires aient le droit de s'ériger en juges.

M. de Behfues déclare protester contre tous les jugements qui seraient rendus ou exécutés avant que tous les dossiers aient été préalablement communiqués à la Commission.

Pour couvrir sa responsabilité il demande que sa protestation soit insérée au procès-verbal.

M. de Weckbecker rappelle de précédentes observations comme venant à l'appui de la protestation de M. de Behfues. L'instruction préliminaire, a-t-il toujours dit, appartient aux tribunaux ; mais la Commission doit être présente et peut intervenir lorsque l'accusé comparait devant ses juges. Telle est, à son point de vue, la mesure dans laquelle la Commission a le droit de concourir à l'enquête.

Un long débat s'engage à ce propos entre les Commissaires d'une part, qui veulent que leur intervention soit réelle et efficace, et le Délégué Ottoman d'autre part, qui soutient que cette intervention tend à priver les juges de leur indépendance.

La forme dans laquelle les accusés sont interrogés est soumise ensuite à diverses critiques ainsi que le peu de garanties dont la défense est entourée. Abro Efendi discute ces critiques et fait observer qu'on ne peut exiger d'un tribunal Turc l'observation de toutes les formes usitées en Europe.

Tous les membres de la Commission appuient successivement la protestation de M. de Behfues.

M. Béclard y ajoute cependant cette réserve que, dans sa pensée, la dite protestation ne doit pas avoir pour effet de tempérer en quoi que ce soit la sévérité du tribunal.

M. de Behfues déclare être d'accord sur ce point avec le Commissaire Français.

Le Président croit pouvoir formuler ainsi l'opinion de tous ses collègues :

“ La Commission prétend exercer une action collective quant à la recherche des causes et de l'origine des événements, ainsi que la culpabilité des chefs de l'insurrection et des agents de l'autorité.”

Le Commissaire Français fait un nouvel appel à la sévérité dans la répression.

Il est d'avis qu'on doit frapper de grands coups et éviter de se perdre dans les détails de la procédure.

La séance est levée à quatre heures un quart.

(Suivent les signatures.)

Annexe.—Fuad Pasha to Abro Efendi.

MONSIEUR,

Damas, le 13 Octobre, 1860.

AYANT vu dans une de vos lettres, par lesquelles vous m'avez rendu compte des séances de la Commission, que M. Béclard, Commissaire de Sa Majesté l'Empereur des Français, avait donné lecture d'une lettre de M. Outrey, Consul de France à Damas, à son Excellence M. Thouvenel, sur la situation de la ville, j'ai dû demander à M. Outrey certaines explications sur des faits qu'il avait avancés et qui me parurent d'une très grande importance, et il s'empressa de faire des rectifications sur ce que je lui ait dit d'après le résumé que vous m'avez fait.

1. Comme appréciations générales, il avait parlé de certaines émotions et de frayeur qui s'étaient produites dernièrement dans la ville; il n'a pas eu l'intention de dire que la ville courait un danger et qu'on était à la veille d'un second massacre.

2. En parlant des notables du pays qui sont détenus, il avait dit seulement qu'ils paraissaient avoir des relations dans la ville et qu'il n'a jamais voulu avancer qu'ils étaient en correspondance avec les bandes des Druses armées dans le but de les attirer sur Damas et faire massacrer les Chrétiens.

3. En parlant de Karâmi Efendi il avait voulu signaler la conduite de cet employé, qui compromettait le tribunal extraordinaire; mais il n'avait pas voulu former une accusation contre ce tribunal comme concussionnaire.

Pour le premier point, comme il s'agit d'une appréciation générale, je n'ai qu'à exprimer aussi mes impressions et ce que j'ai vu à mon arrivée ici. On avait répandu le bruit d'un prétendu rassemblement des Druses, dans le but de marcher sur Damas. Ce bruit, et quelques signes de croix qu'on avait faits sur les portes des maisons occupées par les Chrétiens, ont contribué à amener une certaine inquiétude dans la ville parmi les Chrétiens. Les notables Chrétiens n'hésitent pas à soupçonner aussi les leurs d'être les auteurs de cette alarme donnée à leurs co-religionnaires.

Les autorités militaires se trouvaient entre deux alternatives: ou de ne rien faire pour ne pas accrédi-ter ce bruit et d'être alors taxées d'inaction et d'insouciance, ou de montrer plus d'activité et de vigilance pour faire disparaître cette frayeur et être citées comme ayant elle-mêmes avoué l'existence d'un tel danger. Elle a préféré la première alternative, et on exprime pour sa conduite une très haute satisfaction, mais on l'appelle comme un témoignage sur.

la cause de cette alarme : on ne peut pas nier l'existence de cette frayeur, mais il n'y avait aucun danger pour la ville. La population Musulmane vit toujours sous l'impression de la terreur, et je puis même dire, sans lui faire grâce, qu'elle ressent aujourd'hui les remords de ce qu'elle a fait.

Pour le second point, après les explications données par M. Outrey j'ai une seule chose à dire : c'est que j'avais confié la garde de ces détenus à la même autorité militaire pour laquelle on montre une si haute opinion. J'ai pris des informations, et je suis sûr que sauf, peut-être, quelques petites fautes commises par les soldats qui les gardaient, ces gens, qui sont aujourd'hui plus sévèrement gardés, n'avaient aucune relation ni avec la ville ni avec le dehors.

Quant au troisième point, la conduite de Karâmi Efendi avait failli compromettre non-seulement le Tribunal Extraordinaire, mais aussi celui dont il se disait le représentant. Vous connaissez Karâmi, qui est le fils du vieux Pédros Karâmi, secrétaire de l'Emir Beshîr ; il était dans le bureau des traducteurs et quelques mois avant les événements de la Syrie il avait obtenu un congé pour aller vivre quelque temps à Saida, sa ville natale. A mon arrivée à Beyrout, je l'ai pris auprès de moi comme Secrétaire Interprète pour l'Arabe.

A Damas je l'avais mis dans la Commission chargée de distribuer des secours aux Chrétiens ; mais, voyant que sa conduite blessait les Chrétiens qui étaient en rapport avec lui, je l'avais fait remplacer par Franco Efendi. Laissé à Damas sur sa demande pour cause de maladie, il s'est posé comme mon Délégué auprès des autorités et même auprès des Consuls. Sa conduite m'ayant été signalée par les autorités, et je la croyais bien loin de l'état où je l'ai trouvée, je lui avais donné l'ordre de retourner à Beyrout, et je suis arrivé ici avant son départ.

Dénoncé comme concussionnaire je l'ai fait arrêter immédiatement, et j'ai trouvé chez lui l'argent et les quelques objets qui pèsent à sa charge. Comme il se montrait aux yeux du public plus que le Président du Tribunal Extraordinaire, c'est cette conduite incompréhensible qui avait failli compromettre ce Tribunal, dont tous les membres sont des hommes d'une honnêteté et d'une probité bien connues.

Je suis entré dans tous ces détails pour faire disparaître des soupçons qui pouvaient planer sur les hommes auxquels j'avais donné ma confiance ; c'est pour cette raison que je m'estime très heureux d'avoir fait cette découverte, qui me donne l'occasion de montrer que la justice que je suis appelé à exercer peut atteindre les hommes qui se trouvent attachés même à ma mission.

Une de vos lettres me parle des Chrétiens du Hauran, sur la
[1860-61. LI.]

situation desquels la Commission a bien voulu appeler mon attention. J'ai reçu aussi une pétition de leur part et une délégation est venue me voir aujourd'hui.

Impossible de donner une garantie à Ismail-el-Atrash, qui s'est conduit d'une manière atroce lors des événements de Hasbeya et de Rasheya. J'ai dû chercher un autre moyen pour assurer l'état des Chrétiens dans le cas où nos colonnes attaqueraient les Chefs Druses des Hauran, auxquels ceux du Liban se sont joints aujourd'hui. La famille de Amer pour laquelle les Chrétiens ont donné de très bons témoignages pouvant nous servir dans ce but, j'ai pris des dispositions pour les employer afin de créer un refuge chez eux pour les Chrétiens du Hauran, qui sont très peu nombreux d'après mes informations.

Halim Pacha est parti aujourd'hui pour Sasa, pour former les colonnes de poursuite à organiser. J'ai pu rassembler dans ce but une masse de Cavalerie Irrégulière d'environ 3,000 hommes.

Ce Général sera de retour Jeudi, et en le laissant ici j'espère partir le soir même pour être Vendredi ou Samedi à Beyrout.

Agréez, &c.

Abro Efendi.

FUAD.

(6.)—*Protocol of Sixth Meeting.*

Beyrout, October 26, 1860.

Le Vendredi, 26 Octobre, 1860, tous les Commissaires se trouvant réunis à Beyrout, chez le Commissaire Extraordinaire de la Sublime Porte, la séance est ouverte à deux heures et demie, sous la présidence de son Excellence Fuad Pacha.

Après la lecture et l'adoption du procès-verbal de la séance précédente le Président, prenant la parole, exprime la satisfaction qu'il éprouve en venant pour la première fois s'associer aux travaux de la Commission. Dans l'accomplissement de la tâche, à la fois honorable et pénible, qui lui a été confiée par son Gouvernement, il espère que le concours des Commissaires ne lui fera jamais défaut.

Quant à lui, il réunit dans sa personne un double caractère, celui de fonctionnaire investi d'attributions exceptionnelles et exécutives, en vertu des pleins pouvoirs qui lui ont été conférés par son Souverain, et celui de membre de la Commission qu'il a l'honneur de présider.

La poursuite et le châtement des coupables d'une part, en second lieu les réparations dues aux victimes, enfin les mesures à prendre pour prévenir le retour de pareilles calamités, tels sont les principaux points qu'il a en vue et auxquels le Gouvernement du Sultan est plus intéressé encore que l'Europe elle-même. Or, rien ne pourra l'empêcher de mener à bonne fin cette entreprise, en ce qui

concerne particulièrement la punition des coupables ; ni leur nombre, ni leur qualité ne seront un obstacle à la réalisation de l'œuvre vengeresse dont il est chargé.

Fuad Pacha entre ensuite dans quelques explications sur les actes accomplis par lui tant à Damas que dans la Montagne : à Damas, où la justice a déjà frappé des criminels de tout rang ; dans la Montagne, où il reste encore beaucoup à faire. Mû par un intérêt d'humanité, intérêt connu à toutes les Puissances représentées dans le sein de la Commission, le Plénipotentiaire Ottoman se flatte de n'être suspect d'aucune arrière-pensée, et de pouvoir, par conséquent, faire appel au bon vouloir de la Commission. Il comblera les lacunes qui lui seront signalées, mais tout en sollicitant les avis dont il a besoin, il désire que ses conseils soient exempts de tout esprit de censure. La censure engendre la discorde, tandis qu'une bienveillance réciproque ne peut que faciliter le résultat auquel tendent les efforts communs.

Le Commissaire d'Autriche, en réponse au discours de Fuad Pacha, fait observer que des deux qualités réunies dans la personne du Plénipotentiaire Ottoman la Commission ne doit se préoccuper que d'une seule, celle qui lui vaut l'avantage de le compter dans son sein comme collègue et comme Président. Il reconnaît pleinement la communauté d'intérêts qui existe entre tous les Commissaires, et il croit pouvoir promettre en leur nom le concours qui leur est demandé. Il ne doute pas non plus que justice se fasse, mais il pense que la justice proprement dite ne suffit pas : l'Europe attend autre chose du Commissaire Extraordinaire de la Sublime Porte. Les pleins pouvoirs dont il est armé lui permettent de déployer une extrême sévérité et de faire éclater ainsi l'indignation que les massacres de la Syrie ont dû causer à son Gouvernement. Il importe également que les Tribunaux soient animés d'un pareil esprit, surtout vis-à-vis des Chefs Druses, qui sont tous coupables, les uns pour avoir agi, les autres pour avoir laissé faire.

Fuad Pacha, répliquant à M. de Weckbecker, rappelle qu'en fait de sévérité il peut déjà citer des preuves. A Damas, en un seul jour des centaines de condamnations ont été prononcées. Un Mushir a payé de sa tête les griefs qui lui étaient imputés. Il est donc tout-à-fait d'accord avec le préopinant. A son avis ce n'est pas seulement parce que l'Europe les réclame qu'il est tenu d'accorder les satisfactions, mais parce que son Gouvernement le juge nécessaire, et qu'en cela il rencontre le sentiment général de l'Europe.

Le Commissaire d'Autriche, chargé par ses collègues d'adresser quelques interpellations au Plénipotentiaire Ottoman, lui soumet d'abord la question relative au Colonel Hosni Bck, dont la présence parmi les membres du Tribunal Extraordinaire de Beyrouth

cause un certain scandale, vu les charges qui paraissent peser sur lui, en sa qualité d'ancien Commandant de la garnison de Baalbek.

Fuad Pacha répond que cet officier s'est bien comporté dans les premiers procès de Damas ; il fournit à ce sujet quelques détails sur la composition du jury militaire qu'il a cru devoir instituer. Le Colonel Hosni Bek en faisait partie comme ayant été désigné par le régiment. Néanmoins, et bien qu'aucune accusation formelle n'ait été dirigée contre lui jusqu'à ce jour, sa conduite sera soumise à une enquête minutieuse. Il sera d'abord éloigné provisoirement du tribunal.

Le Commissaire Français explique les motifs qui l'ont déterminé à appeler le premier l'attention de ses collègues sur les bruits auxquels donnaient lieu les antécédents du Colonel Hosni Bek. La plupart des officiers de l'armée Ottomane étaient plus ou moins compromis, mais rien ne les signalait particulièrement à l'animadversion publique, tandis que le Colonel Hosni Bek, en raison de la position exceptionnelle qu'il occupait dans le Tribunal de Beyrouth, avait dû soulever plus d'animosité et rendre l'opinion plus sévère sur la part de responsabilité qui lui est attribuée dans les événements de Baalbek.

Le Commissaire Prussien, et après lui M. de Weckbecker, fournissent quelques indications sur la nature de la culpabilité qu'on impute au Colonel Hosni Bek, lequel semble d'ailleurs moins gravement compromis qu'Hassan Yazeji, Commandant des Bashi-bozouk, et que divers membres de la famille Harfûsh.

Fuad Pacha dit que, à Damas, comme dans les autres localités qu'il a visitées, il a tout fait pour provoquer les dénonciations des Chrétiens. Il ne recherche que la vérité, bien loin de vouloir soustraire qui que ce soit aux poursuites de la justice. Aussi s'empressera-t-il de recueillir de nouvelles informations. Quant à la famille Harfûsh il rappelle que c'est une famille de brigands.

Le Commissaire Russe, en réponse aux explications fournies dans une séance précédente par Abro Efendi, sur la personne de Shakîr Pacha, ci-devant Chef du Medjlis Militaire de Damas, expose que la conduite de ce fonctionnaire lui avait été signalée par la voix publique comme ayant donné lieu à de graves soupçons. Pendant la première nuit de l'émeute se trouvant avec ses officiers dans le voisinage du quartier Chrétien, il aurait assisté en spectateur indifférent aux progrès de l'incendie et du pillage.

M. Novikow avait également pensé qu'un Chef d'Etat-Major, appelé par ses fonctions mêmes à être dans le secret de toutes les dispositions du Séraskier devait porter une bonne part de la responsabilité de son Chef. Ayant appris, depuis, que Shakir Pacha avait été jugé et acquitté par un mahata, il réserve son apprécia-

tion définitive à ce sujet pour le moment où il aura pu prendre connaissance des dossiers.

Le Président donne des éclaircissements sur les circonstances dans lesquelles Shakir Pacha a été acquitté non par le tribunal de Damas, mais par le Conseil de Guerre. Le jury militaire assermenté qui s'est prononcé sur la culpabilité ou sur l'innocence des prévenus, comptait dans son sein un officier Prussien au service de la Porte. Tout s'est passé régulièrement. Non-seulement il a été reconnu que Shakir Pacha avait fait son devoir, mais encore qu'il avait contribué à sauver un grand nombre de Chrétiens.

Le Commissaire Français, suivant l'engagement pris par lui dans la séance précédente, interpelle le Plénipotentiaire Ottoman à propos des massacres de Saida. Il rappelle qu'un nombre considérable de Chrétiens fugitifs ont été égorgés aux portes de Saida, lorsqu'ils venaient y chercher un asile. Les poursuites exercées jusqu'ici contre les auteurs de pareils forfaits lui semblent insuffisantes.

Fuad Pacha répond qu'il n'a passé que deux jours à Saida. Durant son séjour dans cette ville il s'est entouré de toutes les informations possibles. M. Krantz, Commandant du navire de guerre Français la *Sentinelle*, M. Gaillardot, médecin Français, le Vice-Consul d'Espagne, et d'autres ont été interrogés par lui et n'ont fourni que des renseignements vagues.

Néanmoins plusieurs arrestations ont eu lieu, et bon nombre d'enrôlements forcés ont été opérés. Qu'on fasse des dénonciations et les accusés seront poursuivis.

Le Commissaire Français fait observer que les autorités Ottomanes civiles ou militaires, dans toutes les localités où se sont produites des scènes de meurtre ou de pillage, doivent être tenues pour responsables de ce qui s'est passé sous leurs yeux. C'est aux dépositaires de la force publique qu'on doit s'en prendre, soit pour avoir favorisé, soit pour n'avoir pas réprimé les désordres.

Cette remarque s'applique à Saida, comme aux autres points de la Syrie où le sang Chrétien a été versé.

Fuad Pacha promet, pour la séance suivante, un compte-rendu succinct de tout ce qu'il a fait jusqu'à présent. Il répète qu'il est prêt à combler les lacunes qui lui seront signalées, ainsi qu'à utiliser le concours et les lumières de ses collègues. Comme fonctionnaire Ottoman, il doit défendre l'indépendance et l'autonomie de son pays ; en dehors de cette préoccupation il connaît trop bien le caractère de la mission dont il est chargé pour prétendre en retirer aucune gloire. C'est comme justicier qu'il a été envoyé en Syrie, et il saura remplir sa tâche jusqu'au bout.

M. Béclard croit être l'interprète fidèle de la Commission tout entière en disant qu'il lui tarde de sortir de la phase si pénible de la

répression, pour n'avoir plus à s'occuper que des travaux relatifs aux indemnités et à la réorganisation du Liban.

Lord Dufferin déclare qu'il trouve insuffisante la concession aux termes de laquelle les Commissaires peuvent assister, ou se faire représenter par des délégués, aux audiences du Tribunal Extraordinaire de Beyrout. Il réclame pour les délégués le droit de concourir à la recherche de la vérité, en suggérant au tribunal les questions qu'il leur paraissait nécessaire d'adresser, soit aux prévenus, soit aux témoins.

A ce propos et sur la demande de M. de Rehfues, Lord Dufferin explique un incident qui s'est produit dans le cours de l'une des dernières audiences. Le délégué Britannique a cru devoir interpellé le greffier sur la question de savoir s'il avait inscrit la déclaration d'un témoin à décharge. On s'est aperçu ainsi que cette déclaration n'avait pas été inscrite.

Le Commissaire d'Autriche appuie la motion de Lord Dufferin, mais en la modifiant; il pense que les délégués doivent assister aux audiences comme simples spectateurs, et que les Commissaires seuls, sur le rapport de leurs délégués, sont recevables à présenter des observations dans le sein de la Commission.

Lord Dufferin maintient son opinion, attendu, dit-il, que les délégués, en suivant pas à pas la marche du procès sont à même de suggérer des avis dont l'effet sera d'autant meilleur qu'il sera instantané.

MM. Béclard et Novikow partagent la manière de voir du Commissaire d'Autriche. Ils craignent que les délégués, par leur intervention personnelle, n'exercent une influence quelconque sur le tribunal, ou ne préjugent l'opinion des Commissaires eux-mêmes.

Fuad Pacha répond que, d'après ses instructions, le jugement est réservé à l'autorité locale; les délégués ne pourraient donc y participer sans porter atteinte aux formes prescrites. Il rappelle d'ailleurs que l'instruction une fois terminée, le procès-verbal est présenté à l'accusé, qui, avant de le signer, peut faire ses réserves. C'est pour lui un moyen de contrôle.

M. de Rehfues demande s'il ne serait pas possible que l'accusé fût assisté d'un défenseur ou vekîl.

Fuad Pacha ne nie pas que l'institution des défenseurs ne rende de grands services dans les pays où elle a été adoptée. Mais, là où elle n'existe pas, une pareille institution ne peut être introduite du jour au lendemain. Il fait valoir le manque d'hommes et la différence d'habitude pour prouver que la chose serait impraticable en Syrie.

Une longue discussion s'engage à ce propos. Lord Dufferin pense que l'isolement auquel le prévenu se trouve réduit le met

dans l'impossibilité de préparer ses moyens de défense et de faire comparaître les témoins dont la déposition lui serait utile. Fuad Pacha lui répond que le prévenu n'a qu'à désigner ses témoins au Tribunal, qui ne manquera jamais de les convoquer. M. Béclard fait observer que si l'accusé est privé de défenseur, il n'a pas non plus vis-à-vis de lui l'accusateur public : l'une des deux lacunes est corrigée par l'autre. Fuad Pacha signale les abus qui ne manqueraient pas de se produire si le prévenu était autorisé à choisir un défenseur. Ce dernier pour se procurer des témoignages favorables serait trop disposé à recourir aux moyens les moins avouables.

M. Novikow revient sur la question de l'enquête judiciaire. La Commission, dit-il, ne peut remplir le mandat qui lui est tracé par ses instructions identiques qu'en étant admise à faire valoir auprès des juges son opinion tant sur la marche que sur le résultat de toute enquête partielle ; de son côté la Porte dans les instructions dont elle a muni son Plénipotentiaire assimile le grand procès mixte pendant devant les tribunaux Ottomans. La Commission se trouve investie par là d'un droit d'intervention exactement pareil à celui qu'exercent en Turquie les Missions et les Consulats, dans tout procès mixte jugé par les tribunaux du pays. Partant de ce point de vue, le Commissaire Russe croit pouvoir résumer ainsi le vœu de la Commission ; " Admise déjà à suivre la marche du procès, elle demande également qu'après que les interrogatoires auront été terminés, aucun arrêt définitif ne soit prononcé sans qu'elle ait eu la faculté de formuler préalablement son avis sur l'ensemble de l'enquête, et de suggérer, s'il y a lieu, à son Excellence Fuad Pacha les éléments d'un interrogatoire supplémentaire qu'elle jugerait nécessaire pour éclairer sa conscience." Cette motion est appuyée par tous les Commissaires.

Fuad Pacha explique que les tribunaux extraordinaires instituées par lui ne rendent pas de jugements proprement dits, mais se bornent à lui adresser des rapports dont les conclusions seraient sans effet si elles n'étaient confirmées par lui. D'après les lois Ottomanes, aucune sentence de mort ne peut être exécutée si elle n'est revêtue de la sanction souveraine. C'est donc en vertu de ses pleins pouvoirs qu'il convertit en sentences définitives les conclusions des rapports qui lui sont soumis. Il ne se refuse pas à communiquer dorénavant les susdits rapports à la Commission, qui pourra lui dire ce qu'elle en pense.

Cette proposition est acceptée à l'unanimité.

Fuad Pacha demande à présenter quelques observations sur le passage du dernier procès-verbal dans lequel il est question de l'arrivée à Beyrout des notables récemment condamnés. Le cortège qui les accompagnait n'était autre chose qu'une garde de sûreté. Quant aux litières qui servaient à transporter deux des condam-

nés, elles leur avaient été accordées pour cause de vieillesse et de maladie.

Le Plénipotentiaire Ottoman entre ensuite dans de longs détails sur les circonstances qui ont précédé la condamnation du Sheikh Abdallah-el-Halebi, et des autres membres du Grand Conseil. Il énumère les charges que l'opinion publique faisait peser sur eux, mais sans qu'aucune preuve eût été fournie à l'appui de ces accusations. Il rend compte des recherches auxquelles ils s'est livré à l'effet de résoudre la question de savoir s'il y avait eu réellement complot ; il cite enfin les différents Articles traduits du Code Français qu'on pouvait appliquer aux prévenus. Leur culpabilité en définitive résultait de ce qu'ils n'avaient pas pris les mesures nécessaires pour empêcher les désordres. L'un d'eux a été condamné à la réclusion perpétuelle dans une forteresse ; deux autres à 15 ans de prison ; 3, à 10 ans de réclusion ; les 5 derniers à 3 ans d'exil. Les dossiers relatifs à leur procès ne sont pas clos. Si de nouvelles charges s'élèvent contre eux, leur peine pourra être aggravée ; jusque-là ils seront envoyés à proximité dans l'Ile de Chypre. Quant à cette dernière décision, Fuad Pacha consulte cependant la Commission, qui déclare n'y trouver aucun inconvénient.

M. Bécлар rappelle que dans le memorandum adressé au Plénipotentiaire Ottoman dès le jour de la première réunion des Commissaires, il était parlé du désarmement général de la population de Damas, comme d'une mesure indispensable. Il y ajoute le vœu qu'une contribution spéciale soit imposée à la population Musulmane au profit des Chrétiens.

Fuad Pacha répond que le désarmement s'opère en ce moment même et par son ordre. Il s'est également occupé au début de sa mission de la question relative à l'impôt qu'il s'agit de faire peser sur la population Musulmane, et ce projet n'est pas abandonné par lui.

Interpellé par M. de Rehfues à propos de la proclamation attribuée à Abdallah-el-Halebi, Fuad Pacha déclare sur l'honneur que personne ne lui en a jamais parlé à Damas ; aussi a-t-il été fort étonné d'apprendre que des copies de ce document avaient été circulées à Constantinople.

La discussion relative à la défense des accusés est reprise sur la demande de Lord Dufferin, qui donne lecture de différentes pièces tendant à établir que les interrogatoires judiciaires auxquels ont pu assister les délégués de la Commission n'ont pas été dirigés d'une manière équitable ; il réclame plus de garanties pour les accusés.

Fuad Pacha, en réponse à cette demande, signale de nouveau les difficultés qui s'opposent à ce que des changements soient introduits dans la procédure, ainsi que les inconvénients attachés à l'intervention directe des délégués.

M. de Weckbecker déclare qu'à son point de vue la Commission n'est pas investie du mandat que lui attribue Lord Dufferin. Elle est tenue seulement de provoquer la punition des coupables.

Les Commissaires d'Angleterre et de Prusse s'élèvent contre cette opinion ; ils pensent que la Commission est intéressée avant tout à la découverte de la vérité.

A des interpellations réitérées de Lord Dufferin et de M. de Behfues, Fuad Pacha répond que sans s'engager à permettre aux accusés de recourir à l'assistance de défenseurs, il recherchera avec soin les moyens d'entourer leur défense de toutes les garanties possibles. Il y est plus intéressé que personne, puisque c'est lui qui signe les sentences de mort, et qui en supporte la responsabilité.

M. Novikow exprime l'intention d'interpeller Fuad Pacha au sujet de la réinstallation des Chrétiens dans les villages de la Montagne ; mais vu l'heure avancée, il est convenu, sur la proposition du Président, que cette question sera traitée à fond dans la séance suivante.

La réinstallation des Chrétiens et toutes les questions qui s'y rattachent sont donc mises à l'ordre du jour, et la séance est levée à six heures et quart.

(Suivent les signatures.)

(7.)—*Protocol of Seventh Meeting.*

Beyrout, October 30, 1860.

LE Mardi, 30 Octobre, 1860, tous les Commissaires étant réunis à Beyrout chez le Commissaire Extraordinaire de la Sublime Porte, la séance est ouverte à deux heures et demie, sous la présidence de son Excellence Fuad Pacha.

Le procès-verbal ayant été lu et adopté, Fuad Pacha s'excuse de n'avoir pu encore, faute de temps, terminer le travail destiné à la Commission, dans lequel seront exposés les actes accomplis par lui depuis son arrivée en Syrie.

La question à l'ordre du jour, dit-il ensuite, est celle du rétablissement des Chrétiens dans leurs foyers. Ce sujet est étroitement lié à l'un des 3 points dans lesquels se résume la tâche à l'accomplissement de laquelle la Commission doit concourir, savoir, la répression, la réparation, et la réorganisation. Pour le rétablissement des Chrétiens, on a fait jusqu'à présent tout ce qu'il était possible de faire avec des moyens bornés. A Damas, trois quartiers Musulmans ont été évacués pour y loger les Chrétiens, jusque-là réfugiés dans la citadelle. Ce qu'on a pu retrouver des effets pillés, en fait de couvertures et autres objets de première nécessité, leur a été distribué, non à titre de restitution, mais à titre de secours. Il a été, en outre, alloué à chaque Chrétien une ration de pain et 50 paras par jour. Ces distributions ont lieu sous la surveillance

de divers Comités composés de notables Chrétiens. De là résulte une dépense de 500,000 à 600,000 piastres par mois. Les objets de literie n'ayant pas suffi, une réquisition faite parmi les Musulmans a fourni 2,000 ou 3,000 matelas. Dans la Montagne avant que la Commission ne fût réunie à Beyrout, des Comités spéciaux parcouraient déjà les villages pour évaluer les dépenses de reconstruction, et, sur leur rapport, des à-compte ont été répartis entre les ayants-droit. Depuis lors la Commission a demandé que ses délégués fussent admis à faire partie de ces Comités ; mais comme le travail d'évaluation tire à sa fin, la présence des délégués servira plutôt à assurer l'exécution des mesures arrêtées pour la reconstruction des villages. La grande difficulté consiste dans la question d'argent : le Gouvernement fait tous ses efforts pour s'en procurer ; y compris les paiements à effectuer sous peu de jours, la dépense s'élève déjà à environ 4,500,000 piastres. Or, cela ne suffit pas. Il importe de faire recouvrir une partie des maisons avant l'hiver. A cet effet tous les Druses et Musulmans ont été frappés de réquisitions pour des bois à fournir aux Chrétiens. On a également séquestré au profit de ces derniers les mulets appartenant aux Druses de la Bekâa. Enfin l'ordre a été donné de partager entre les Chrétiens une partie des denrées qui seront trouvées chez les Druses, sauf à en tenir compte ultérieurement à ceux-ci.

Le Commissaire Français dit avoir appris que dans certains villages mixtes beaucoup de maisons se trouvaient vacantes par suite du départ des Druses qui ont fui vers le Hauran ; il demande que ces maisons soient assignées provisoirement aux Chrétiens. Il ajoute que, lors des derniers événements, les Chrétiens de la partie mixte du Liban n'ayant pu faire leurs récoltes, ces récoltes ont été accaparées par les Druses qui les possèdent aujourd'hui en magasin. L'équité lui paraît exiger que la moitié au moins des grains en question soit attribuée aux Chrétiens. Il réclame enfin pour les habitants de Zahlé qui travaillent à la reconstruction de leurs maisons, la faculté de couper des bois dans les forêts voisines. Cette faculté, dont ils ont toujours joui, paraît leur être refusée en ce moment, sans qu'on puisse s'expliquer le motif d'une pareille prohibition.

Fuad Pacha, en réponse à la première observation de M. Béclard, dit qu'à Deir-el-Kamar et dans les villages voisins on a déjà installé un certain nombre de Chrétiens dans les maisons des Druses. On agira de même toutes les fois que cette mesure sera praticable. Quant aux dépôts de grains, on les met en réquisition partout où il en existe. Des ordres ont été donnés, à plusieurs reprises différentes, pour que les Chrétiens de Zahlé puissent couper dans les forêts de la plaine de Baalbek les bois de charpente dont ils ont besoin. Ces ordres seront renouvelés. Non-seulement les Chr-

tiens ont la faculté de couper des bois dans le voisinage de Zahlé, mais ils usent de la permission qui leur est donnée en allant faire des coupes jusqu'aux environs de Damas.

Le Commissaire Français demande à présenter une dernière observation au sujet des Chrétiens de Baalbek, de Zahlé, et d'autres localités qui, au printemps de cette année, ont payé d'avance l'impôt du "miri." Placé ensuite dans l'impossibilité de récolter les grains qui constituent leur unique ressource, les habitants dont il s'agit se voient plongés dans la plus profonde misère. C'est pourquoi le Commissaire Français pense qu'il serait juste, soit de leur restituer ce qu'ils ont payé par anticipation, soit de les exempter du paiement de l'impôt de l'année prochaine.

Fuad Pacha répond que cette proposition sera examinée et prise, s'il y a lieu, en considération.

M. Novikow appuie la motion du Commissaire Français en ce qui concerne les maisons abandonnées par les Druses. Il voudrait même qu'en cas d'urgence on fit pour la Montagne ce qui a été fait à Damas.

Fuad Pacha fait observer que la mesure prise à Damas est d'une exécution moins facile dans le Liban, où il y a peu de maisons à proprement parler, mais seulement des cabanes à peine suffisantes pour l'habitation d'une famille entière. Les Chrétiens, d'ailleurs, préfèrent être chez eux et ne s'installent qu'avec répugnance dans des maisons qui ne leur appartiennent pas.

Le Plénipotentiaire Ottoman revient sur la question du numéraire. La difficulté qu'il éprouve à se procurer des fonds paralyse les bonnes intentions dont il est animé. Déjà les revenus de la douane de Beyrout sont affectés aux soulagements des besoins les plus pressants. Sur une somme de 2,500,000 piastres reçue de Constantinople et destinée à l'entretien des troupes, Fuad Pacha dit avoir retenu 2,250,000 piastres pour la reconstruction des villages. Au surplus, il est en mesure de communiquer à la Commission un état exact des sommes déjà distribuées aux Chrétiens, tant en secours journaliers que pour les frais de bâtisse. Le total des dépenses, ainsi effectuées, s'élève à 1,289,933 piastres d'une part, et 1,531,344 piastres de l'autre. Il reste à payer dans un bref délai environ 2,350,000 piastres. (Voir les deux pièces annexées au présent procès-verbal.)

Le Commissaire Russe appelle l'attention du Plénipotentiaire Ottoman sur les mesures à prendre en faveur des Chrétiens de l'Anti-Liban, c'est-à-dire, des habitants de Hasbeya et de Rasheya, lesquels, au nombre de plusieurs milliers, sont réfugiés à Beyrout, et dans les autres villes de la côte.

Fuad Pacha explique que les Chrétiens en question n'ont pas

tous souffert, mais que ceux mêmes dont les maisons avaient été épargnées ont pris la fuite et sont descendus vers le littoral. L'autorité leur est venue en aide. Pour ceux qui peuvent dès à présent rentrer chez eux, il ne s'agit que de garantir leur sécurité. Deux bataillons occupent à cet effet Hasbeya et Rasheya. Une commission spéciale surveille la récolte des olives. Ordre est donné de couper les bois appartenant aux Druses et de faire des réquisitions dans les villages voisins pour hâter les travaux de reconstruction.

M. Novikow trouve ces mesures tardives, vu la saison avancée. Il doute que les Chrétiens puissent rentrer dans leurs foyers avant le printemps. En ce cas, on devrait faire en sorte qu'ils trouvassent des ressources momentanées dans les villes du littoral. En outre, les Chrétiens paraissent conserver des craintes à l'égard des Druses, qui ont déjà reparu en grand nombre dans les villages mixtes et sont tous armés. Vis-à-vis des Chrétiens désarmés, au contraire, les Druses doivent conserver tout leur orgueil, car la répression ne les a pas suffisamment atteints.

Fuad Pacha répond en ce qui concerne la répression exercée contre les Druses, que son intention, ainsi qu'il en a fait part au Général de Beaufort, a été plutôt de les rassurer et de les déterminer ainsi à rester dans leurs villages. Ceux qui s'étaient enfuis commencent en effet à rentrer, et bientôt, grâce aux dénonciations des Chrétiens, comme aux révélations de Sheikhs actuellement détenus à Beyrout, on pourra saisir simultanément les individus les plus compromis. Déjà on a mis la main sur plusieurs d'entre eux : quelques détachements parcourent le Hauran et font aussi des arrestations.

M. Bédard croit devoir signaler comme ayant pris part, dit-on, aux massacres de Deir-el-Kamar un certain Ali Riza récemment placé à la tête de l'un des 4 cercles, dont se compose provisoirement l'ancienne Caimacamie Druse.

Fuad Pacha annonce que déjà cet individu a été privé de son emploi et que ses antécédents seront soumis à une enquête.

Lord Dufferin présente divers documents émanés du Comité de Secours Anglo-Américain dans lesquels les besoins les plus pressants des Chrétiens sont indiqués à la Commission.

Cette communication est suivie d'une conversation générale à laquelle prennent part tous les Commissaires, et qui porte à la fois sur l'évaluation approximative des dommages soufferts par les Chrétiens tant à Damas que dans le Liban, sur les divers moyens dont le Gouvernement pourrait user pour se procurer des fonds, et sur la nature du concours que les Commissaires seraient en mesure de lui prêter.

La conclusion de cet entretien est que sans une somme con-

sidérable et immédiatement disponible, il est de toute impossibilité de prendre en faveur des Chrétiens les mesures indiquées par les circonstances et rendues urgentes par l'approche de l'hiver.

Fuad Pacha exprime le désir que cette conclusion soit soumise par les Commissaires à leurs Gouvernements respectifs. Quant à lui, il s'engage à présenter dans une prochaine séance un aperçu des ressources de la province ainsi que des dépenses auxquelles il s'agit de faire face.

La question des indemnités est mise à l'ordre du jour, et la séance est levée à cinq heures et demie.

(Suivent les signatures.)

Annexe.—Note des Sommes distribuées aux Chrétiens Victimes des derniers événements.

	<i>Piastres.</i>
Payé, dans le mois d'Août, aux réfugiés de Damas dont le nombre était de 5,536	823,015
Payé, dans le mois d'Août, aux réfugiés de Deir-el-Kamar, Hasbeya, et Basheya, dont le nombre était de 4,944	157,667
Moyenne des frais divers, y compris la dépense de l'Hospice Impérial, contenant de 1,200 à 2,000 personnes	209,251
Moyenne des sommes données aux Chrétiens de Damas	600,000
	1,289,933

(8.)—*Protocol of Eighth Meeting.*

Beyrout, November 2, 1860.

Le Vendredi, 2 Novembre, 1860, tous les Commissaires étant réunis à Beyrout, sous la présidence de son Excellence Fuad Pacha, la séance est ouverte à 3 heures. Le procès-verbal de la séance précédente est lu et adopté.

Avant d'entrer, conformément à l'ordre du jour, dans l'examen de la question des indemnités, le Président rappelle à la Commission le désir déjà exprimé par lui que des délégués soient désignés et envoyés sur les divers points de la Montagne, afin de veiller à l'exécution des mesures prises par le Gouvernement pour la reconstruction des villages. Dans quelques localités, les habitants emploient à d'autres dépenses l'argent qui leur a été distribué. Il importe de faire cesser ou de prévenir cet état de choses. Pour la ville de Zahleh notamment, Fuad Pacha se déclare prêt à ordonner le paiement de la somme qui a été fixée, mais il réclame le concours de la Commission à l'effet de contrôler l'emploi de la dite somme.

Il est décidé d'un commun accord, que pour les délégués qui

n'ont pas encore été désignés par la Commission, celle-ci s'adressera au Général de Beaufort, par l'entremise de Fuad Pacha, afin de se faire représenter, en cas de besoin, par des officiers du corps expéditionnaire Français.

Le Commissaire Prussien croit devoir présenter quelques observations au sujet de la question traitée dans la précédente séance. Soumettre à l'Europe les exigences financières de la situation, suivant les indications du Plénipotentiaire Ottoman, lui paraît être un moyen inefficace, de l'emploi duquel résulterait une grande perte de temps. Il s'agit de se procurer des fonds, sans le moindre retard, pour satisfaire à des nécessités urgentes. Ces fonds, on peut les trouver dans le pays. Damas est une ville riche qui renferme beaucoup de capitaux ; plusieurs des Chefs Druses possèdent des fortunes considérables ; la ville de Saida ne doit pas non plus être épargnée. Qu'un impôt de 100,000,000 piastres soit levé sur Damas, Saida, et la Montagne Druse ; que le dit impôt soit convenablement réparti entre ces 3 centres de population, et le Gouvernement aura à sa disposition la somme même que le Plénipotentiaire Ottoman jugerait nécessaire, non pour indemniser toutes les pertes, mais pour atténuer les maux des Chrétiens. Cette mesure, dont il reste à déterminer le mode d'exécution, aurait aussi l'avantage de faire découvrir, suivant toute apparence, une grande partie des objets volés.

Fuad Pacha répond que la ville de Damas, ainsi qu'il en a déjà donné l'assurance, sera frappé d'une contribution extraordinaire, mais il doit attendre de Constantinople la réponse à un rapport qu'il a adressé sur ce sujet à son Gouvernement. Les biens qui appartiennent aux condamnés et qui sont séquestrés devront être employés, avec les fonds résultant de la contribution extraordinaire, à indemniser les Chrétiens ; mais comme le principe de la confiscation est contraire à la régulation de l'Empire, il s'est trouvé, malgré l'étendue de ses pouvoirs, dans la nécessité de consulter son Gouvernement sur l'admission exceptionnelle de ce principe. Il attend la décision souveraine.

La difficulté, selon lui, serait de réaliser immédiatement les fonds nécessaires. Sans doute il y a des riches à Damas, mais leurs fortunes consistent en immeubles dont l'aliénation ne peut avoir lieu que lentement. Saida est une ville sans importance, à peu près dénuée de capitaux. Quant à la Montagne Druse, presque toutes les propriétés y sont concentrées entre les mains des Chefs ; les habitants pour la plupart ne sont en quelque sorte que des tenanciers et ne possèdent à peu près rien. La mesure indiquée par le Commissaire Prussien serait donc difficilement applicable, et le montant de l'impôt, hors de proportion avec les ressources locales, ne pourrait être perçu que dans un long espace de temps.

Le Commissaire Français appuie la motion de M. de Rehfués. Il est d'avis que l'impôt à exiger de la ville de Damas peut être considéré comme une contribution de guerre, à percevoir dans un très court délai. Comparant Damas à une ville prise d'assaut, il ne doute pas qu'une bonne part de la contribution dont a parlé le Commissaire Prussien ne soit réunie sur-le-champ, si l'on emploie la contrainte. Un certain nombre d'otages, choisis parmi les habitants les plus riches et les plus influents, étant chargés, avec l'appui de la force publique, d'exécuter eux-mêmes une mesure dont ils seraient responsables, parviendraient bientôt à fournir la somme demandée. En cas d'inexécution dans le terme prescrit, les biens des otages deviendrait la propriété de l'Etat, ou plutôt des Chrétiens qu'il s'agit d'indemniser.

Les Commissaires de Grande Bretagne, de Russie, et d'Autriche prennent successivement la parole, et s'expriment dans le même sens que le préopinant. Ils sont également favorables à la proposition de M. de Rehfués, et croient qu'il est possible de la mettre en pratique. M. de Weckbecker ajoute que les villages situés aux environs de Damas devraient être compris dans la mesure dont cette ville serait l'objet.

Fuad Pacha répète que sur le principe il est d'accord avec les Commissaires ; il ne diffère que sur le mode d'exécution. Les biens des principaux notables de Damas sont déjà saisis, en vertu des jugements récemment prononcés contre eux. Tous les membres de l'ancien Conseil ayant été envoyés en exil, un Comité d'Administration a été provisoirement formé, et se compose d'hommes sans influence, dont plusieurs ont rendu des services, ou sont étrangers à la ville. On ne pourrait donc pas se servir de ce Comité, ni à plus forte raison rendre responsables ceux qui en font partie. Les riches, à leur tour, pourraient être contraints à payer, mais ils se déclareraient impuissants à faire payer les autres.

Lord Dufferin dit que les Chefs de Quartier, connaissant les ressources de chacun, seraient à même de faire contribuer chaque famille suivant ses moyens.

M. Novikow est d'avis que les Commissions actuellement employées au désarmement pourraient aussi être chargées de la perception de l'impôt extraordinaire. Il voudrait en outre que la responsabilité fût partagée entre les notables de tous les quartiers. D'accord avec M. de Rehfués, il pense que la contribution dont serait frappée la ville de Damas aurait pour effet de faire réparaître les objets volés, et notamment le produit du pillage des couvents et des églises. Il ajoute que cette découverte pourrait être facilitée par les révélations des Chefs Druses actuellement emprisonnés à Beyrout.

Fuad Pacha renouvelle les objections de forme qu'il a déjà opposées aux divers membres de la Commission. Quant aux objets volés, dit-il, on en a déjà retrouvé un certain nombre, et plusieurs mosquées de Damas en sont remplies.

Dans l'intervalle des deux séances, il se propose de consulter quelques-uns des anciens employés Chrétiens de l'administration financière de la province, afin de déterminer le mode de perception auquel il devra s'arrêter, et le résultat de ses recherches sera communiqué par lui à la Commission.

Lord Dufferin présente une motion relative à la fixation du chiffre des indemnités. Pour arriver à une juste appréciation des pertes subies par les Chrétiens, conformément au texte des instructions identiques, il propose à ses collègues d'établir un Comité Européen, pour prononcer comme arbitre dans les réclamations présentées par les Chrétiens à la Porte. Comme c'est probable que ces réclamations seront très exagérées, il pense qu'il serait dans l'intérêt du Gouvernement Turc de recourir à l'assistance d'un pareil corps. Dans les cas où les sentences rendues par lui ne contenteraient par les intéressés il serait nécessaire que les membres composant cette Commission fussent des hommes dont l'intégrité, le discernement, et l'habitude des affaires offrissent une garantie suffisante à une décision non-seulement impartiale mais intelligente. Ils devraient se livrer à ce travail le plutôt possible avant que les traces des désastres neussent été effacées.

Cette proposition admise en thèse générale par tous les Commissaires, donne lieu à une longue discussion quant aux détails qui s'y rattachent.

Fuad Pacha expose la combinaison suivante, comme devant, selon lui, simplifier le travail d'évaluation. Un Comité, nommé par le Gouvernement, mais dont une partie des membres auraient été désignés par les Chrétiens, serait chargé d'examiner les demandes d'indemnité. Il admet en principe l'institution d'une Commission d'Arbitrage pour rendre une décision définitive, dans le cas où il y aurait un désaccord entre les membres du Comité, ou entre le Comité et le réclamant. Mais il pense qu'avant de prendre une détermination sur le mode de participation de la Commission à la question des indemnités, on doit consulter les instructions collectives des Commissaires.

Fuad Pacha, invité par la Commission à rédiger un projet relatif au mode de fixation des indemnités, s'engage à présenter ce projet dans la Conférence suivante.

La séance est levée à cinq heures et demie.

(Suivent les signatures.)

(9).—*Protocol of Ninth Meeting.**Beyrout, November 10, 1860.*

Le Samedi, 10 Novembre, 1860, tous les Commissaires étant réunis à Beyrout, sous la présidence de son Excellence Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal est lu et adopté, après quelques modifications.

Le Commissaire Russe appelle l'attention de la Commission sur l'état actuel de Damas et des réfugiés Damascaïns. Cet état est loin d'être satisfaisant. Les mesures d'urgence décrétées en principe, telles que la levée, sur la ville de Damas, d'une contribution dont le montant serait affecté à la reconstruction des maisons Chrétiennes et au paiement d'un à-compte sur le montant des indemnités, restent en suspens. Le désarmement semble traîner en longueur, et les villages des environs qui ont pris une part active aux massacres de Damas, paraissent n'avoir pas été compris dans l'exécution de cette mesure. L'ensemble de ces faits n'est pas de nature à rétablir la confiance parmi les Chrétiens : aussi le mouvement d'émigration, loin de se ralentir, augmente-t-il chaque jour. Les efforts persévérants de son Excellence Fuad Pacha ayant échoué jusqu'ici contre cette difficulté, il est du devoir de la Commission de lui venir en aide. Mais elle ne saurait le faire utilement, ni engager sa responsabilité à cet égard, avant d'avoir vu de ses propres yeux l'état actuel des choses à Damas.

Pour toutes ces raisons, M. Novikow croit devoir renouveler une motion déjà faite par le Commissaire Français, en proposant à la Commission de se transporter pour quelques jours à Damas. Elle pourrait ainsi constater l'étendue des désastres qui ont frappé tant les nationaux étrangers que les Chrétiens indigènes. Ce voyage permettrait également à la Commission de visiter, chemin faisant, une bonne partie de la Montagne, de consulter, sur les lieux mêmes, les besoins et les vœux des populations, de réunir enfin les éléments qui lui sont nécessaires pour l'élaboration du travail relatif à la réorganisation du Liban.

Avant de statuer sur la proposition de M. Novikow, Lord Dufferin demande la permission d'adresser à son Excellence Fuad Pacha une interpellation dont le sujet se rattache à la question du voyage de la Commission à Damas. Il faut que la Commission se mette à considérer un certain sujet bien pénible, avant de pouvoir détourner son attention du Liban. Il s'agit de la punition de ceux qui se sont rendus coupables des atrocités commises à Hasbeya, Rasheya, et Deir-el-Kamar.

Il nous est pénible de penser qu'après deux mois de séjour dans ce pays, nous nous trouvons encore occupés de la partie la plus odieuse de notre tâche. Il tarde à la Commission d'entrer en possession d'un devoir plus privilégié, d'inaugurer une époque de conciliation et de

[1860-61. LI.]

paix. Mais il est inutile de songer à la conciliation, tant que des misérables, aux mains encore rouges du sang de leurs semblables, jouissent d'une immunité entière de toute punition. Pas un seul Druse coupable des massacres des Chrétiens n'a encore subi la peine de mort.

Son Excellence a expliqué ce délai par la nécessité d'assurer l'arrestation de ceux qui étaient le plus compromis ; cette observation était juste, mais une hésitation plus prolongée dans l'exécution d'une punition complète et définitive, est tellement contraire aux intérêts de la justice et de l'humanité, qu'il importe à la Commission de prier son Excellence de vouloir bien nous accorder une explication de ses intentions. Des circonstances auxquelles nous ne pouvons pas toucher, avaient destiné ces deux tribus à vivre ensemble. Le délai, apporté à l'exécution des coupables ne fait qu'envénimer la blessure, en maintenant d'un côté une haine inassouvie, et de l'autre la conscience d'une culpabilité dont l'expiation n'est pas encore accomplie. Il est de la dernière importance que cet état ne se prolonge davantage. Mais en se chargeant d'une responsabilité si grave, où il s'agit d'une question de vie et de mort, le Commissaire Britannique ne voudrait pas être soupçonné de requérir une punition démesurée. Il désire surtout qu'on puisse poser certaines limites où la main vengeresse de la justice puisse s'arrêter. Dans cette vue, il admet une distinction entre les 3 classes de criminels aujourd'hui inculpés au tribunal de la Chrétienté. De ces 3 degrés de culpabilité, il faut assigner le premier rang aux officiers Turcs qui avaient prêté la main aux atrocités qu'ils auraient dû prévenir. Après ceux-ci viennent les Musulmans de Damas qui, sans querelle, sans provocation, se sont rués sur leurs concitoyens inoffensifs, et les ont passés au fil de l'épée.

Les crimes des Druses semblent entrer dans une catégorie différente. Leurs excès, quoique horribles, provenaient d'une guerre provoquée par les Chrétiens, n'étaient que le fruit fatal des traditions de leur pays. En étudiant les rapports officiels des luttes sanglantes et meurtrières commises dans le Liban depuis 25 ans, on ne peut éviter la conviction que les préceptes de leur religion ont apporté, chez les Chrétiens, bien peu d'adoucissement à ces usages barbares ; et d'après la connaissance personnelle du pays dans une époque antérieure à ces désastres, le Commissaire Britannique peut affirmer que cette politique d'extermination que les Druses ont adoptée, n'était que le développement d'un principe qu'au commencement de la querelle leurs victimes les avaient menacés de leur appliquer. Dans ces circonstances, ce serait de l'injustice de vouloir poser le type de la moralité Européenne, comme mesure de la culpabilité d'un corps de paysans ignorants qui n'ont fait qu'obéir aveuglément aux mandats de leurs Chefs. En Syrie l'espèce de guerre légitime,

de l'avis de toutes ces tribus, Druse, Chrétienne et Arabe, ne peut trouver sa pareille que dans les livres de Moïse.

Il faut donc faire la part de ces circonstances traditionnelles, tout en exécutant une justice ample et sévère pour pouvoir mettre un terme à la répétition de ces crimes.

Fuad Pacha, en réponse à l'interpellation de Lord Dufferin, renouvelle d'abord l'assurance déjà donnée par lui, que la répression sera aussi rigoureuse, aussi exemplaire que pénible. En ce qui concerne particulièrement les Druses, il n'a négligé aucune des mesures que les circonstances lui indiquaient. Lors de son arrivée en Syrie, il a dû d'abord se rendre à Damas, où la situation des Chrétiens réclamait impérieusement sa présence. De retour à Beyrouth, il a pu s'occuper de la Montagne dont la pacification, résultant d'un prétendu Traité entre les parties belligérantes, n'avait pas été reconnue par lui. Une Proclamation adressée aux Chefs Druses les a invités à venir rendre compte de leur conduite. 14 d'entr'eux ont obéi à cette invitation. D'accord avec le Commandant-en-chef du Corps Expéditionnaire Français, il s'est ensuite décidé à parcourir militairement les Districts Mixtes. Cette opération avait un double but : elle se rattachait à l'œuvre de répression, mais elle était aussi destinée à favoriser le rétablissement des Chrétiens dans leurs villages. C'eût été compromettre ce dernier résultat que d'ouvrir des hostilités directes contre les Druses. Des arrestations isolées eussent eu également pour effet de mettre en fuite la plupart des coupables, et, vu la configuration du terrain, il eût été bien difficile de former un cordon pour les cerner. Le Plénipotentiaire Ottoman a donc préféré d'une part donner tous ses soins à la réintégration des Chrétiens, et d'autre part se réserver en temps opportun la possibilité de faire saisir, simultanément sur les divers points de la Montagne, tous les individus qui lui ont été ou lui seraient dénoncés. Il allait même, sans l'interpellation de Lord Dufferin, annoncer à la Commission que les Druses ayant reparu dans leurs villages, le moment lui paraissait venu de mettre son projet à exécution. Fuad Pacha ajoute que déjà il s'est entendu avec le Général de Beaufort, et qu'il compte se rendre personnellement dans la Montagne pour présider aux arrestations. Retenu à Beyrouth par la nécessité de pourvoir au remplacement du Commandant des troupes dans le Liban, il a dû retarder son départ de quelques jours, mais il aura bientôt le regret de se séparer momentanément de ses collègues.

Quant aux fonctionnaires civils ou militaires qui ont manqué à leurs devoirs, tels que les Commandants des garnisons de Hasbeya et de Rasheya, ils ont été fusillés. Les autorités de Deir-el-Kamar n'ont pas encore subi la peine de mort, prononcée par le Conseil de Damas, parce que leurs relations avec les Druses devaient donner

lieu à une instruction supplémentaire, qui a fait ajourner leur exécution. De plus Kourchid Pacha, Vasfy Efendi, Ahmed Efendi, Tahir Pacha, et autres, sont en prison, et leur procès est à peu près terminé. Outre les 14 Chefs Druses dont il a déjà été parlé, une soixantaine d'arrestations ont été opérées dans ces derniers temps. 170 individus environ se trouvent détenus à Beyrout. Bientôt un certain nombre de jugements pourront être rendus, et le Plénipotentiaire Ottoman déploiera, à cette occasion, autant de sévérité qu'il l'a fait à Damas.

Puisque cette question a été soulevée, ajoute Fuad Pacha, il y a lieu pour la Commission de lui donner son avis sur un point important. Bien que plus de 1,000 condamnations aient été déjà prononcées à Damas; les dénonciations et les poursuites judiciaires n'ont pas cessé encore. Il résulte de cet état de choses une défiance et un antagonisme entre Chrétiens et Musulmans, qui empêchent le retour de la sécurité; mais, avec l'appui de la force militaire, le Gouvernement peut répondre du maintien du bon ordre. Dans la Montagne la situation n'est pas la même. Si l'on parvient à y arrêter à la fois tous les individus contre lesquels il existe des dénonciations, et s'il est décidé que, dans un délai déterminé, pareilles dénonciations ne seront plus admises, on peut arriver bientôt au rétablissement de la tranquillité. C'est précisément à ce sujet qu'il croit devoir consulter ses collègues.

Le Commissaire Autrichien dit avoir compris que Lord Dufferin, dans son discours, prétendait établir une différence entre le crime de rébellion, résultant du fait de la guerre civile à laquelle auraient pris part les Maronites comme les Druses, et les atrocités commises par les Druses vainqueurs. De cette distinction même, résulte la nécessité de sévir rigoureusement contre les Druses. A ses yeux, ceux-ci ne méritent plus le nom de nation, et ont perdu le droit d'exercer une part quelconque d'autorité.

Fuad Pacha est d'avis qu'en tout cas on ne peut assimiler l'affaire du Liban à celle de Damas. A Damas, il y a eu un assassinat en grand, commis par les Musulmans contre les Chrétiens. Dans la Montagne, on doit examiner s'il y eu guerre civile ou soulèvement des Druses contre les Chrétiens. En cas de guerre civile, il reste à se demander quels ont été les agresseurs. Les Druses ne sauraient jamais être absous des excès dont ils se sont rendus coupables; mais le fait de provocation peut constituer soit contre eux, soit en leur faveur, une circonstance aggravante ou atténuante.

Une discussion s'élève à ce propos entre les divers membres de la Commission; il est généralement reconnu que le fait de provocation est une question sans importance, et à peu près insoluble, attendu qu'on différera toujours sur la date des premiers griefs.

M. de Weckbecker pense que le seul moyen efficace de pacification consiste à rendre le Gouvernement Ottoman aussi fort que possible sur toute l'étendue de son territoire, c'est-à-dire, dans la Montagne comme ailleurs.

Les Commissaires de France, de Prusse, et de Russie croient devoir faire des réserves contre cette opinion, qui d'ailleurs touche au travail de réorganisation, et n'est pas applicable à l'objet dont on traite actuellement.

M. Bécлар, répondant au passage du discours de Lord Dufferin dans lequel il a été mentionné, dit qu'en effet ce n'est pas sans impatience qu'il attend le moment où la Commission pourra considérer comme close la phase des poursuites et des châtimens ; c'est pourquoi il ne peut s'empêcher de déplorer le peu de promptitude et d'énergie qu'on remarque aujourd'hui dans la répression. En procédant tout autrement à Damas, le Commissaire Extraordinaire de la Sublime Porte s'était attiré de justes louanges. Depuis lors son action semble ralentie. Suivant la remarque de Lord Dufferin, pas un Druse n'a encore été puni. L'enquête judiciaire ouverte à Beyrouth traîne en longueur, et a pris récemment un caractère tel qu'on ne saurait en prévoir la fin. Tout en motivant ainsi le vœu qu'il avait formulé, le Commissaire Français s'empresse de prendre acte de la communication faite par son Excellence Fuad Pacha relativement aux Druses. Puisque le temps est enfin venu de les frapper, il réclame une répression vigoureuse contre des assassins qui se sont mis hors la loi, c'est-à-dire, au ban des nations. Sur ce dernier point, il est heureux de se trouver d'accord avec le Commissaire d'Autriche. Mais il n'admet pas la distinction faite par Lord Dufferin. Les scènes de Deir-el-Kamar, pas plus que celles de Damas, ne peuvent s'appeler une guerre civile. Ce sont de véritables boucheries.

M. Novikow rappelle que des scènes semblables ont eu lieu à Rasheya et à Hasbeya. Il ne peut être question de guerre civile dans les atrocités commises par les Druses sur ces deux points. Elles n'ont eu pour cause déterminante que la soif du sang et du pillage, et les coupables doivent être classés dans la catégorie des criminels qui méritent une punition tout aussi sévère que les Musulmans de Damas. Ceux des Chrétiens de l'Anti-Liban qui ont survécu aux massacres sont encore aujourd'hui en butte aux insultes des Druses.

Le Commissaire Prussien croit devoir ramener l'attention de ses collègues sur la motion présentée au début de la séance par M. Novikow. Il croit qu'en effet le meilleur moyen de rassurer les Chrétiens de Damas et de les empêcher d'émigrer, serait que la Commission se transportât momentanément au milieu d'eux. A cette occasion, M. de Rehfuës donne lecture de quelques fragments

d'une lettre du Consul de Prusse à Damas, qui indique les causes du malaise actuel.

La motion de M. Novikow est mise en discussion, et donne lieu à un échange d'avis différents. Tous les Commissaires, sauf son Excellence Fuad Pacha et M. de Weckbecker, pensent que la présence de la Commission à Damas est nécessaire, et peut seule produire l'effet désiré ; et M. Béclard, rappelant l'objection qui lui avait été faite dans le principe, voudrait qu'avant de partir pour Damas, la Commission eût la satisfaction d'avoir obtenu quelques résultats sérieux.

Le Commissaire Français donne lecture d'une supplique adressée à la Commission, sous la date du 7 Novembre, par toutes les communautés Chrétiennes de Damas. Dans cette supplique, les Chrétiens se déclarent prêts à retourner chez eux, ainsi qu'ils en ont reçu l'ordre, mais à de certaines conditions. L'une de ces conditions consiste dans la garantie qu'ils sollicitent des Commissaires.

M. Béclard, en achevant cette lecture, fait remarquer que le document dont il s'agit offre un caractère exceptionnel, en ce sens—qu'il émane de la totalité de la population Chrétienne, représentée par les 5 communautés des différents rites.

Fuad Pacha s'élève contre la prétention des Chrétiens de Damas d'obtenir une garantie que la Commission ne peut leur donner, et qui indique de leur part une méfiance profonde à l'égard du Gouvernement.

Le Commissaire Français fait observer que cette méfiance n'est pas sans motifs, et que le Gouvernement a beaucoup à faire pour la dissiper. La demande de garantie des Chrétiens n'est pas non plus chose nouvelle, et on ne peut s'étonner qu'ils aient placé toutes leurs espérances dans la sollicitude dont ils se savent l'objet de la part de la Commission.

Fuad Pacha répond qu'il se rend très bien compte des sentiments inspirés aux Chrétiens par leurs malheurs ; mais il n'admet pas que ses actes puissent être mis en suspicion. Pour donner aux Chrétiens la confiance qui leur manque, il prendra encore, s'il le faut, de nouvelles mesures, et à cet effet il accueillera toujours avec empressement les conseils de ses collègues. En outrepassant cette limite, la Commission empièterait sur les droits de son Gouvernement.

M. Béclard dit qu'il ne pouvait se dispenser de faire parvenir à sa destination la supplique des Chrétiens de Damas, et qu'il a jugé tout à la fois plus loyal et plus efficace de donner lecture de cette pièce en présence du Plénipotentiaire Ottoman.

Le Commissaire Prussien fait savoir que, d'après sa correspondance, la subvention quotidienne de 50 paras allouée aux Chrétiens de Damas par le Gouvernement, leur est payée irrégulièrement ; ce qui constitue déjà un arriéré de 20 jours.

Fuad Pacha exprime l'étonnement que lui cause cette nouvelle, dont il n'a eu aucune connaissance, et qui lui paraît inexplicable. Il prendra des informations.

M. de Behfues insiste de nouveau sur la nécessité de statuer, relativement à la motion du Commissaire Russe. Si cette motion n'était pas adoptée, il croirait de son devoir néanmoins de faire personnellement le voyage de Damas.

Fuad Pacha se livre à de nouvelles critiques contre la dite motion, dont il conteste l'utilité.

Il est décidé, sur la demande de M. Bécлар, que la motion du Commissaire Russe sera remise en discussion dans la séance suivante.

Le projet du Plénipotentiaire Ottoman, consistant à fixer un délai après lequel les Chrétiens ne pourront plus présenter des dénonciations contre les Druses, est approuvé à l'unanimité.

Fuad Pacha annonce qu'il comptait communiquer à la Commission divers travaux déjà terminés, suivant l'engagement qu'il en avait pris, mais les discussions qui ont rempli cette séance ne lui ont pas permis de le faire.

Le Commissaire Français interpelle Fuad Pacha :

1. Sur l'impôt qu'on paraît vouloir exiger en ce moment des Chrétiens de Beyrout et du Liban : laissant de côté, dit-il, la question de savoir jusqu'à quel point il est juste de mettre à exécution une seule des dispositions du Hatti-Houmayoun, M. Bécлар se demande si cette mesure est opportune.

2. Sur le retard apporté au paiement des 1,500 bourses, promises aux habitants de Zahlé, sur le montant des 9,000 qui leur ont été allouées pour frais de reconstruction.

Fuad Pacha répond, quant à la seconde question, que le paiement de 1,500 bourses avait été retardé faute de garanties, mais que ces garanties ayant été obtenues depuis lors, le paiement va avoir lieu.

Quant à l'impôt militaire, il rappelle que cet impôt a été établi en remplacement de l'ancien haratch. On ne l'exige en ce moment que des Chrétiens des localités qui n'ont pas souffert, et qui néanmoins n'ont rien payé depuis quatre ou cinq ans. Il est juste que cette ressource soit affectée au soulagement des victimes, et d'ailleurs, sur le montant de l'arriéré, on ne demande qu'une seule annuité ; on se contente même d'un simple à-compte.

La séance est levée à 6 heures.

(Suivent les signatures.)

(10.)—*Protocol of Tenth Meeting.*

Beyrout, November 14, 1860.

Le Mercredi, 14 Novembre, 1860, tous les Commissaires étant

réunis à Beyrout, sous la présidence de son Excellence Fuad Pacha, la séance est ouverte à midi et demi.

Le procès-verbal est lu et adopté avec quelques légères modifications.

Fuad Pacha propose ensuite à la Commission d'examiner les diverses questions relatives à la répression et au châtiment des Druses. Les arrestations vont commencer dans la Montagne ; M. le Commissaire Extraordinaire de la Sublime Porte y présidera lui-même. Mais auparavant il croit devoir prendre l'avis de la Commission sur le meilleur système de procédure à adopter, sur le nombre et la nature des peines qu'il infligera, sur les moyens qu'il y aura lieu d'employer pour arriver à la découverte des coupables. Chacun de ces points soulève des difficultés, et dans le sentiment qu'il a de la lourde responsabilité qui pèse sur lui, Fuad Pacha demande à la Commission de vouloir bien l'éclairer de ses conseils.

Et d'abord quelle procédure devra-t-il adopter ? Il y en a deux qui s'offrent à lui : l'une sommaire et expéditive ; l'autre régulière, méthodique, et conforme aux lois régulières du pays. La première fournit de prompts résultats, mais elle ne donne pas le temps de peser les preuves, et ne permet pas toujours de proportionner exactement la peine au degré de culpabilité. La seconde a l'inconvénient, non moins grave dans les circonstances présentes, de trop suspendre le châtiment. Peut-être à une situation exceptionnelle faut-il une justice exceptionnelle. Fuad Pacha hésite entre ces deux systèmes : s'il use de la procédure sommaire, on l'accusera comme à Damas, de frapper aveuglément ; s'il a recours aux formalités de la procédure régulière, on l'accusera de tomber dans l'excès contraire.

M. le Commissaire Français n'hésite pas à déclarer qu'il est, pour sa part, fermement convaincu que le système de la procédure sommaire est le seul qu'il soit non-seulement convenable, mais même possible d'adopter. Une procédure régulière et l'application des règles ordinaires de la justice entraîneraient, sinon la condamnation, au moins l'arrestation et la mise en accusation de tous les Druses, car tous ont trempé plus ou moins dans les événements qui ont ensanglanté la Montagne, et ruiné les populations Chrétiennes du Liban. C'est en voulant proportionner le nombre des châtiments à celui des assassinats, et en versant à froid autant de sang que les Druses en ont répandu dans leur égarement, que le Gouvernement Turc s'exposerait au reproche de barbarie. Ce qui importe avant tout, c'est de rassurer promptement les populations par un châtiment exemplaire des principaux coupables. Une procédure sommaire et expéditive est seule propre à faire atteindre ce résultat ; c'est donc à celle-là qu'il est indispensable d'avoir recours.

M. le Commissaire Prussien partage complètement l'opinion de M. Béclard. Il insiste sur cette considération décisive à ses yeux, quo la répression des Druses ne sera efficace que si le châtement est prompt et exemplaire.

M. Novikow est du même avis. Il fait remarquer d'ailleurs que la procédure régulière ayant été suivie à l'égard des Chefs Druses actuellement détenus à Beyrout, cette circonstance est de nature à mettre Fuad Pacha suffisamment à couvert contre le reproche de précipitation que son Excellence semble redouter. Quant à la masse des coupables de rang inférieur qui vont être arrêtés, M. le Commissaire Russe pense qu'il faudra nécessairement procéder vis-à-vis d'eux d'une manière différente, en évitant toutefois les excès d'une justice qui pourrait être taxée d'exagération.

M. le Commissaire Autrichien déclare partager complètement l'avis de M. Béclard. Il est évident, dit-il, que la culpabilité étant partout chez les Druses, il est impossible de procéder régulièrement. Il faut se contenter de frapper vite et fort. Quant au reste de la nation Druse, M. de Weckbecker est d'avis qu'il y aurait un moyen indirect de l'atteindre, en la privant à l'avenir de tous les droits politiques dont elle était autrefois en possession. M. de Weckbecker ajoute que la solution de la question, posée par Fuad Pacha, dépend du caractère attribué par le Gouvernement Ottoman aux crimes et délits commis par les Druses. Si la Porte les considère comme des délits purement civils, et d'individus à individus, il ne semble guère que la procédure régulière puisse être abandonnée. Mais si au contraire la Sublime Porte voit dans les massacres des Chrétiens par les Druses, dans le commencement d'extermination d'une race de l'Empire par une autre race, un fait de guerre civile, un acte de rébellion, un crime de lèse-majesté, alors il est clair que le Commissaire Extrordinaire de la Sublime Porte, tant que durera l'état de siège et de desorganisation de la Montagne, doit procéder contre les Druses sommairement, militairement, et dans le libre exercice de ses pleins pouvoirs, sans observer les règles de la procédure ordinaire.

Son Excellence Fuad Pacha fait remarquer à ce sujet que les 14 Mokatajdjis Druses actuellement détenus à Beyrout sont en effet poursuivis à raison de deux chefs : premièrement comme coupables de n'avoir point rempli le mandat qu'ils avaient reçu de pourvoir, en qualité de Sous-Caimacams, à la sécurité de tous les habitants de leurs districts ; secondement, comme complices des crimes commis contre des particuliers. Quant aux autres Chefs qui se sont enfuis, ils ont été mis hors la loi et seront jugés par contumace.

Lord Dufferin trouve que le mode de procédure qui a été approuvé par ses collègues est en effet le seul que les circonstances permettent d'adopter, choix pénible sans doute, mais inévitable,

puisque le mode d'une procédure régulière serait inapplicable. Mais Lord Dufferin croit devoir ensuite faire observer que les deux systèmes étant inconciliables, le choix du système de la procédure sommaire exclue complètement l'emploi de la procédure régulière. Si donc on inflige aux Druses, d'une manière sommaire, un châtiment qui semblerait découler du principe barbare de la décimation, une fois ce sacrifice accompli, les Druses qui auront survécu devront être protégés contre de nouvelles poursuites par une amnistie générale.

Ce dernier vœu exprimé par Lord Dufferin, et le mot amnistie employé par sa Seigneurie, ayant donné lieu à des interprétations diverses, M. le Commissaire Français s'étant élevé avec énergie contre toute pensée d'une amnistie politique au profit de la nation Druse, M. le Commissaire Anglais développe son idée, et il résulte de ses explications que, par amnistie, il voulait dire une garantie à donner aux Druses pour la conservation de leurs droits civils, mais que, en ce qui concerne leurs droits publics, il était parfaitement d'accord avec ses collègues pour reconnaître que le Gouvernement avait le droit de frapper dans ses privilèges politiques une tribu qui avait commis des crimes si abominables.

Les Représentants des 5 Puissances ayant tous exprimé une opinion favorable à l'adoption du système de la procédure exceptionnelle et sommaire, Fuad Pacha croit devoir poser à la Commission d'autres questions subsidiaires, se rattachant à celle qui vient d'être examinée. Devra-t-il diriger sur Beyrout et y réunir tous les Druses qui seront arrêtés dans la Montagne, ou instituer une sorte de tribunal ambulatoire qui, se transportant successivement dans les diverses parties de la Montagne, jugera et fera exécuter les coupables sur le théâtre même de leurs crimes ?

M. Béclard, répondant à cette question, est d'avis que la justice sommaire, adoptée en principe, doit être rendue sur les lieux, pour que son effet soit à la fois plus prompt et plus sensible.

Aucune discussion ne s'élève sur ce point, que tous les membres de la Commission envisagent de la même manière.

Son Excellence Fuad Pacha pose ensuite la question de savoir, s'il devra établir dans la Montagne, comme à Damas, plusieurs catégories de peines, correspondantes à plusieurs catégories de coupables, et appliquer la mort, le bague, la réclusion, l'exil, selon le degré apparent de culpabilité ? Sur ce point encore, M. le Commissaire Extraordinaire de la Sublime Porte éprouve le besoin de recevoir les conseils de la Commission. Il n'a ni le droit ni l'envie d'abdiquer la responsabilité qui pèse sur lui ; mais il sent combien elle est lourde, et c'est pour cela qu'il ne craint pas de déposer dans le sein de la Commission tous ses doutes et toutes ses perplexités. Il a besoin aussi de fixer d'avance son opinion sur la nature et le

poids des preuves qu'il admettra dans cette procédure expéditive. A Damas, dit-il, il a sommé les principaux habitants de lui désigner les coupables, et c'est sur la dénonciation, sur des témoignages non oculaires, qu'il s'est le plus souvent appuyé pour dresser ses listes ; il s'est même parfois contenté de la simple déposition d'un Chrétien. Dans la Montagne la situation est toute différente. La force armée ne saurait y exercer la même influence, et au milieu d'un peuple organisé, comme le sont les Druses, en une sorte d'affiliation ou société secrète, on ne peut compter sur aucun renseignement, aucune dénonciation des Druses contre les Druses. Il sera donc nécessaire d'avoir presque exclusivement recours aux dépositions des Chrétiens ; mais alors Fuad Pacha en redoute le nombre, et, si on lui demande 1,000 ou 1,500 têtes, et s'il consent à les faire tomber, il craint de s'exposer à l'accusation d'être plus Druse que les Druses eux-mêmes, et de répondre à un massacre par une boucherie.

M. Novikow fait observer que c'est là un danger contre lequel M. le Commissaire Extraordinaire peut se prémunir. Ce n'est pas une vengeance que le Gouvernement du Sultan doit exercer contre tous les Druses, bien que tous soient coupables. Il s'agit principalement de prévenir le retour des mêmes crimes, en infligeant la peine de mort aux principaux coupables, en frappant pour ainsi dire de terreur le reste de la nation. La répression des Druses devant encore moins consister dans des peines individuelles que dans un ensemble de mesures propres à réduire la nation entière à l'impuissance de nuire aux populations Chrétiennes, on pourrait par exemple, dit M. le Commissaire Russe, condamner à mort tous ceux qui passent pour avoir commis des atrocités et plusieurs assassinats.

Lord Dufferin saisit l'occasion qui s'offre à lui, de rappeler que les Druses n'ont exercé aucune violence contre les femmes.

M. le Commissaire Français, résumant la pensée unanime de la Commission, propose d'établir 3 catégories de coupables, passibles de la peine de mort :

1. Les instigateurs, ayant ou non pris part personnellement aux massacres.

2. Les chefs de bandes qui ont dirigé les assassins et les incendiaires.

3. Les individus dénoncés par la voix publique, comme ayant commis le plus grand nombre de meurtres, ou comme ayant agi dans des circonstances qui aggravent leur culpabilité.

Ces 3 catégories de coupables, passibles de la même peine, étant admises, Fuad Pacha demande, s'il y aura d'autres degrés de culpabilité auxquels pourraient correspondre des peines de seconde et de troisième ordre.

La Commission est d'avis que cette satisfaction étant donnée à

la justice, les poursuites devront cesser ; car, si l'on voulait infliger une peine à tous les coupables, on ne voit pas qu'aucun Druse puisse rester sans condamnation. Toutefois, M. le Commissaire Français réserve avec soin la question de savoir quelles mesures il sera bon de prendre ultérieurement, pour faire sentir à cette population sous quelle menace elle se trouve désormais placée, et combien elle s'est rendue indigne des franchises et des privilèges dont elle était naguère en possession.

La Commission passe ensuite à l'examen d'une autre question, et il est entendu, sur la proposition de Fuad Pacha, que les notables de chaque localité seront invités par lui à faire, devant leurs chefs spirituelles, et sous la foi du serment, les dépositions qui, sans être, dans la plupart des cas, des témoignages oculaires, serviront cependant de base aux mises en accusation.

M. Novikow émet sur ce point l'avis, auquel se rallie la Commission, que tout en ayant forcément recours à cette source d'informations, le Commissaire Extraordinaire de la Sublime Porte doit ne pas négliger de recevoir la déposition des témoins oculaires, et des parties intéressées, sauf à tenir de ces dernières dénonciations le compte qu'il appartiendra.

M. le Commissaire Extraordinaire de la Sublime Porte, afin d'éviter l'intrigue et d'empêcher la fuite des coupables, se propose de faire désigner d'avance confidentiellement, par les chefs spirituelles, ceux d'entre les notables qui sont les plus dignes de confiance, et de faire prêter par ceux-ci le serment de garder sur leur déposition le secret le plus absolu.

Avant de clore cette discussion, Lord Dufferin demande au nom de l'humanité que, puisque l'on doit avoir recours au système de la procédure sommaire, on n'aggrave pas les souffrances des individus dont le sort peut être fixé promptement, en leur donnant, pour ainsi dire, à plusieurs reprises le coup de la mort.

M. le Commissaire Français s'associe avec force au sentiment que vient d'exprimer Lord Dufferin, et demande que les personnages Druses ou Musulmans, emprisonnés à Beyrout, et dont le procès passe pour être terminé, ne soient pas tenus longtemps entre la vie ou la mort.

Fuad Pacha répond qu'il lui tarde à lui aussi d'en terminer avec cette phase si pénible de sa mission. Mais qu'il a cependant dû surseoir au jugement ou à l'exécution des détenus de Beyrout, parce que leur participation aux événements de la Montagne étant évidente, il se priverait, en agissant différemment, des informations qui lui seront très utiles lorsqu'il se livrera à l'appréciation de ces mêmes événements.

Les questions principales et subsidiaires relatives à la répression et au châtement des Druses étant ainsi examinées et résolues, la

Commission passe à d'autres objets et reçoit communication de divers documents, touchant le règlement des indemnités dues aux Chrétiens de Damas.

M. Béclard, sur la prière de ses collègues, donne lecture d'un rapport de M. Outrey, Consul de France à Damas, et de deux tableaux annexés à ce rapport, établissant, le premier, la répartition de l'impôt extraordinaire à lever sur la ville, la banlieue, et la province de Damas; le second, la répartition du montant de cette contribution.

La Commission décide qu'une copie de ces deux tableaux sera communiquée à chacun de ses membres. Elle entend ensuite la lecture de plusieurs autres projets, élaborés par son Excellence Fuad Pacha. Elle en demande également communication.

Avant que la séance ne soit levée, M. le Commissaire Français appelle l'attention de la Commission sur une question qui a déjà été posée dans la séance précédente, celle de l'impôt du recrutement auquel, pour la première fois, les populations Chrétiennes de la Syrie viennent d'être soumises. M. Béclard trouve au moins inopportun l'établissement d'un tel impôt dans un moment où les peuples de Syrie sont accablés par tant d'infortunes. Il croit que la Sublime Porte aurait pu profiter de l'occasion qui s'offrait à elle, de prouver à ces populations qu'elle leur porte un intérêt réel, en remettant à des temps meilleurs la perception de cet impôt d'une légalité douteuse. Un tel ajournement aurait d'ailleurs, aux yeux de M. Béclard, l'avantage d'empêcher qu'il ne soit préjugé en rien sur les dispositions que la Commission aura à prendre ultérieurement pour la réorganisation politique et administrative de la Montagne.

Son Excellence Fuad Pacha répond à M. Béclard que l'impôt de recrutement n'est pas un impôt exceptionnel à toutes les populations Chrétiennes de l'Empire; on peut regretter assurément que cette charge vienne peser, dans les circonstances présentes, sur les habitants de la Syrie, mais la Syrie est elle-même appelée à bénéficier du produit de cet impôt, puisque ce produit constitue une des ressources qui seront consacrées au soulagement des victimes de la guerre.

Dans l'état présent des choses, ajoute Fuad Pacha, le Gouvernement est obligé de faire appel à toutes les ressources dont il dispose légalement, et c'est à cette condition seulement qu'il pourra faire face à toutes les exigences de la situation. Quant aux abus de perception, il s'en produit; la Sublime Porte ne saurait en aucune façon en porter la responsabilité, attendu que ce n'est pas elle qui opère cette perception. Elle se fait par l'intermédiaire des chefs de chaque communauté, auxquels il est demandé une somme totale qu'il leur est loisible de répartir entre tous les membres de la com-

munauté, comme bon leur semble, et suivant telle règle que leur suggère leur propre équité.

M. le Commissaire Extraordinaire de la Sublime Porte fait observer, en terminant, que cette question n'a d'ailleurs aucun trait à la Montagne et à sa réorganisation à venir, puisque la Montagne, en vertu des règlements particuliers qui la régissent, ne peut être et n'est soumise à aucun autre impôt que l'impôt unique et fixe, pour le paiement duquel les Maronites et les Druses sont en retard de deux annuités.

M. Novikow fait observer qu'il serait selon lui convenable de considérer les populations Chrétiennes du littoral de la Syrie, dont les intérêts ont été gravement compromis par les événements de la Montagne, comme devant être, momentanément au moins, exemptes de l'impôt du recrutement.

Fuad Pacha objecte que, si certaines localités du littoral se trouvent dans ce cas, c'est aux chefs de la communauté dont elles relèvent qu'il appartient de les épargner dans la répartition du montant total imposé à la communauté.

La discussion sur cet objet n'étant pas poussée plus avant, la séance est levée à 5 heures.

(Suivent les signatures.)

(11.)—*Protocol of Eleventh Meeting.*

Beyrout, November 17, 1860.

Le Samedi, 17 Novembre, 1860, tous les Commissaires étant réunis à Beyrout, sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal est lu et adopté, après quelques modifications. L'ordre du jour appelle ensuite l'examen des questions relatives à la réparation des dommages soufferts par les Chrétiens de Damas. Son Excellence Fuad Pacha fait observer à ce sujet qu'il y a deux principes entre lesquels la Commission est d'abord obligée de se prononcer : le principe d'une somme fixe, approximative, et déterminée à l'avance, et le principe d'une enquête judiciaire préalable, de nature à permettre d'apprécier rigoureusement le chiffre des dommages soufferts par chaque individu en particulier.

Une conversation s'engage entre MM. les Commissaires sur les avantages et les inconvénients de ces deux systèmes, et après une mûre délibération il est entendu que l'on adoptera le principe d'une somme fixe et déterminée à l'avance. La Commission est unanimement d'avis que ce système a l'inappréciable avantage de garantir immédiatement aux Chrétiens l'indemnisation, et, en leur donnant ainsi tout d'abord un grand soulagement moral, de les encourager à retourner à Damas, et à y reprendre leurs travaux habituels ; tandis que le système d'une enquête judiciaire préalable, bien qu'il soit en

lui-même plus strictement conforme aux règles de la justice, aurait, au point de vue politique et pratique, le grave inconvénient de prolonger, peut-être pendant une ou plusieurs années, le procès que les particuliers engageraient séparément avec la Sublime Porte, et laisserait ainsi peser les incertitudes les plus fâcheuses sur la réalisation finale des indemnités.

M. Novikow voudrait cependant que, par une disposition accessoire, on ajoutât à la somme fixe et déterminée à l'avance, comme minimum, une sorte de réserve extensible, moyennant laquelle on pourrait indemniser ceux que l'on reconnaîtrait plus tard ne l'avoir pas été suffisamment. C'est là, selon M. Novikow, un tempérament utile à apporter à la rigueur du système sommaire adopté par la Commission. M. le Commissaire Russe fait observer que cette restriction devrait, dans sa pensée, s'appliquer principalement aux dernières catégories, composée d'individus nécessaires pour lesquels une différence de quelque milliers de piastres ne laisse pas que d'être importante.

M. Bécларd est d'avis que l'idée de M. Novikow, si elle était réalisée, ne constituerait pas seulement une modification, mais entraînerait le renversement complet du système dont la Commission juge l'emploi nécessaire. Ce que veut la Commission, c'est aviser promptement et régler d'urgence, en évitant la longueur interminable des procès particuliers, une grande question d'intérêt public. C'est pour cela qu'elle croit devoir garantir aux victimes une somme totale d'indemnité dont elles se contenteront, dès qu'elles n'auront plus à en espérer d'autres. Mais si l'on ajoute à cette somme fixe un fonds indéterminé, destiné à payer des indemnités oubliées ou des compléments d'indemnité, alors on retombe dans l'incertitude et dans l'inconvénient des procès particuliers; personne ne sera satisfait de son lot, le fonds de réserve deviendra le point de mire de toutes les convoitises. La question de réparation traînera en longueur et l'on perdra ainsi tout le bénéfice politique et moral du système que la Commission a cru devoir adopter.

Les divers autres membres de la Commission étant également d'avis qu'il faut s'en tenir au principe d'une somme fixe et déterminée, après la répartition de laquelle toute réclamation en indemnité ou complément d'indemnité sera interdite, M. Novikow propose à la Commission de faire du moins une réserve en faveur des établissements religieux. Ces établissements, dit-il, méritent qu'on leur témoigne un intérêt spécial. Leurs biens mobiliers et immobiliers provenaient en majeure partie de fondations pieuses, et cette circonstance ne permet pas de les placer sur le même pied que les biens des simples particuliers. La transaction que ceux-ci peuvent accepter ne semble pas possible avec les établissements religieux, car on ne saurait transiger avec la volonté des donateurs qui

n'existent plus. En outre, les établissements religieux pouvant être assimilés pour le matériel de leurs pertes aux propriétaires privés les plus aisés, il est juste et moral d'établir une distinction entre les bijoux, la vaisselle d'or ou d'argent qui ont appartenu à de simples particuliers, et les vases sacrés ou autres objets précieux, servant aux cérémonies du culte et entourés de la vénération de tous les Chrétiens. Il serait donc convenable, selon M. Novikow, de créer une exception en faveur des établissements religieux, et de les mettre à même de recevoir, non point par catégories, mais individuellement, le montant intégral des pertes qu'ils trouveraient avoir essuyées.

Son Excellence Fuad Pacha remarque que la motion de M. Novikow peut être considérée comme étant jusqu'à un certain point résolue par la distinction qu'il y a lieu d'établir entre les établissements religieux indigènes et les établissements religieux étrangers. La Commission n'a point à s'occuper de ces derniers, car, en tant que sujets directs d'une Puissance étrangère, les établissements religieux étrangers ne peuvent être indemnisés qu'à la suite d'une entente séparée entre le Plénipotentiaire Ottoman et les Commissaires de la Puissance intéressée. Il est de ces établissements, comme des Consulats et des propriétés mobilières des sujets étrangers. Le chiffre total de l'indemnité collective dont s'occupe actuellement la Commission, ne saurait donc en tout état de cause s'appliquer qu'à 3 espèces de personnes : 1, aux sujets Chrétiens du Sultan, protégés ou non par une Puissance étrangère ; 2, aux sujets étrangers, en ce qui concerne leurs biens immobiliers ; 3, aux établissements religieux indigènes.

Sans émettre aucun doute sur la différence fondamentale qui existe entre les propriétés étrangères et les propriétés indigènes, M. Novikow maintient sa proposition, en ce qui concerne les établissements religieux indigènes. Si la Commission, dit-il, a unanimement admis, pour l'indemnisation des particuliers, une somme totale à répartir entr'eux par catégories, et fixée d'avance approximativement, c'est que les ayants-droit civils sont trop nombreux pour qu'on puisse leur accorder sans inconvénient le bénéfice d'une évaluation exacte de leurs pertes, et parce qu'eux-mêmes préférèrent recevoir une indemnité inférieure peut-être à ce qui leur serait rigoureusement dû, mais payable de suite, plutôt que de supporter les délais d'une enquête judiciaire, longue, et minutieuse. Ce motif n'existe pas pour les communautés religieuses, qui ne sont qu'au nombre de 5, et qui ont la faculté d'attendre, plus que de simples particuliers, le paiement intégral de tout ce qui leur est dû, pourvu toutefois que la vérification ne traîne pas trop en longueur. M. le Commissaire Russe ajoute que son Excellence Fuad Pacha pourrait se faire renseigner à cet égard par les Chefs mêmes de

ces communautés, et il termine en déclarant qu'il maintient sa proposition.

M. le Président de la Commission invite alors chacun des membres à faire connaître, successivement et par ordre alphabétique, son avis sur la proposition de M. Novikow.

M. le Commissaire d'Autriche admet la convenance d'une enquête particulière à l'égard des établissements religieux, mais il demande à quelle nature de ressources on fera appel pour les indemniser, si le chiffre de leur indemnité n'est établi que postérieurement à l'imposition extraordinaire et en dehors de cet impôt. M. de Weckbecker exprime alors la crainte que, placés en dehors de cette grande mesure de l'impôt qui seule garantit l'indemnisation, les établissements religieux ne souffrent en réalité de la proposition que M. Novikow vient de faire dans l'intention de les favoriser.

M. le Commissaire Français pense que la Commission doit se tenir, aussi fermement attachée que possible, au principe du système qu'elle a déjà adopté. Il est avantageux, dit M. Bécлар, que le Plénipotentiaire Ottoman puisse faire connaître, en une seule fois et le plus tôt possible, le montant total, c'est-à-dire, le chiffre complet des indemnités que son Gouvernement garantit aux populations Chrétiennes. L'effet moral en sera plus grand. Mais la Commission peut, sans abandonner le principe convenu, donner à l'enquête sur les pertes subies par les Chrétiens, et notamment par les établissements religieux indigènes, tout le degré de précision désirable. Le projet qu'il a eu l'honneur de soumettre à la Commission dans la séance précédente, et qui a servi de point de départ à la discussion, n'est qu'un simple document. La Commission a pu en adopter le principe, mais elle n'est pas tenue pour cela de le suivre dans tous ses détails, et chacun des membres de la Commission, d'après ses propres informations, sentira peut-être le besoin de proposer d'autres chiffres que ceux qui sont indiqués dans les deux tableaux annexés au rapport de M. Outrey. En ce qui concerne les établissements religieux indigènes, M. Bécлар pense que, sans rendre interminable le règlement de leur indemnité, par l'adoption à leur égard du principe de la réclamation judiciaire et individuelle, la Commission ferait bien de réunir, dans une de ses prochaines séances, toutes les informations que ses membres pourront recueillir séparément, et de fixer seulement alors le chiffre des indemnités qui seront payées à ces établissements.

M. le Commissaire de la Grande Bretagne réserve à son tour le droit qui appartient à chacun des membres de la Commission, de rechercher par lui-même quelle peut être au juste l'étendue des pertes éprouvées par les habitants civils ou religieux de Damas. Il cite en substance les renseignements qui lui ont été fournis par une personne digne de confiance, et d'après laquelle une somme de

1,250,000*l.* sterling serait suffisante pour procéder à l'indemnisation générale des Chrétiens de Damas. Lord Dufferin ne peut donc qu'adopter le moyen terme proposé par M. Bécлар.

M. le Commissaire Prussien déclare également l'adopter, mais sans avoir égard à la nature religieuse des établissements dont il s'agit, lesquels à ses yeux ne peuvent prétendre à aucune faveur. S'il y avait, ajoute expressément M. le Commissaire Prussien, une différence à établir entre les biens religieux et les biens civils, elle devrait être au profit de ces derniers : car l'Eglise peut être pauvre, et les établissements religieux peuvent à la rigueur se passer de leurs richesses, tandis que les familles, dépouillées non-seulement de leurs objets de luxe, mais de tout ce qui est indispensable à la vie, lui paraissent devoir inspirer une plus grande sollicitude.

M. le Commissaire Russe déclare que le principe de la vérification qu'il réclamait pour les établissements religieux indigènes étant admis pour toutes les catégories, il y adhère complètement et appuie la proposition de M. le Commissaire Français.

Son Excellence le Plénipotentiaire Ottoman, voyant la Commission toute entière se rallier à cette proposition, en résume les termes, et il est entendu que chacun des Commissaires apportera, à la séance de Mercredi en 8 ou Samedi prochain, si faire se peut, le résultat des informations qu'il aura recueillies sur la nature et l'étendue, aussi précises que possible, des pertes éprouvées par les établissements religieux indigènes de Damas.

La séance est levée à 5 heures.

(Suivent les signatures.)

(12.)—*Protocol of Twelfth Meeting.*

Beyrout, November 21, 1860.

Le Mercredi, 21 Novembre, 1860, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

M. le Président donne lecture d'un nouveau projet qui lui a été communiqué par un habitant Chrétien de Damas, relativement à l'impôt extraordinaire dont cette ville doit être frappée. Ce nouveau projet repose sur les bases suivantes :

On compte à Damas :

18,356 maisons Musulmanes.

7,600 boutiques ou cafés.

58 bains publics.

73 moulins.

22 khans.

669 jardins.

En imposant :		Piastres.
1,000 piastres par maison, ou obtiendrait	..	13,356,000
750 " par boutique, "	..	5,700,000
10,000 " par bain, "	..	580,000
2,000 " par moulin, "	..	146,000
15,000 " par khan, "	..	330,000
2,000 " par jardin, "	..	1,338,000
Ce qui produirait ensemble ..		21,450,000

En ajoutant, à cette première somme, une contribution de 13,550,000 piastres sur les riches dont les revenus sont approximativement connus, on arriverait à lever sur la ville de Damas une contribution totale de 35,000,000 de piastres, chiffre proposé par M. le Plénipotentiaire Ottoman dans une des séances précédentes.

Tel est ce nouveau projet. Il diffère notablement de ceux qui ont déjà été soumis à l'examen de la Commission. Elle est d'avis que celui de Fuad Pacha est le mieux conçu. En faisant reposer l'assiette de l'impôt sur la valeur locative des maisons, c'est-à-dire, sur une donnée déjà connue, et qui sert habituellement de base aux opérations du fisc, ce projet semble à la fois plus expéditif et plus pratique que celui de M. Outrey, qui répartit l'impôt en diverses catégories de maisons non encore établies. Il semble aussi à la Commission plus équitable, parce qu'il frappe toutes les classes de la population Musulmane, tandis que M. Outrey exempte à tort de toute contribution les Musulmans des classes pauvres qui n'ont pas laissé que de contribuer, dans une large mesure, sans doute, au pillage des maisons Chrétiennes de Damas.

Dans le projet de Fuad Pacha (Article IV), chaque individu paiera pour la maison qu'il possède et qu'il habite lui-même, ainsi que pour la boutique ou le magasin qu'il possède, et où il exerce un métier ou un commerce, une somme équivalente au double de la valeur locative de sa propriété.

(Art. V.) Chaque individu paiera pour sa maison, magasin et boutique, qu'il a donné à loyer, le triple de la valeur locative, inscrite dans le registre des impôts.

(Art. VI.) Les propriétaires de bains, khans et jardins, qu'ils exploitent eux-mêmes, ou qu'ils afferment, paieront 4 fois autant que la valeur locative, enregistrée dans les susdits livres.

(Art. VII.) Ceux qui s'occupent dans une boutique ou magasin de quelque industrie, métier ou commerce, qu'ils soient propriétaires ou locataires, auront à payer, comme impôt industriel, une somme équivalente au loyer d'un an de la propriété qu'ils occupent.

Dans ce système, l'impôt sur les maisons devra donner 21,000,000 de piastres; l'impôt sur les maisons, boutiques et magasins loués,

les khans, bains et jardins, 4,000,000 de piastres; l'impôt sur les marchands et industriels, 5,000,000 de piastres. La somme complémentaire, nécessaire pour parfaire le montant totale de l'imposition de 35,000,000, sera levée sur les riches.

Ce projet a donc l'avantage de ne pas frapper indistinctement d'une même contribution tous les immeubles d'une même catégorie, comme le projet de M. Outrey, ni tous les établissements ou immeubles d'une même nature, comme le troisième projet ci-dessus mentionné. Il y a lieu de remarquer encore que la somme complémentaire qu'il prélève sur les riches est non moins considérable que dans ce dernier projet.

A ces divers titres, et tout en reconnaissant que les 3 projets qui lui ont été communiqués contiennent des indications utiles, la Commission croit devoir donner son acquiescement à celui qui a été élaboré par son Excellence le Plénipotentiaire Ottoman.

Ce premier point, touchant l'assiette et la répartition de l'impôt, étant ainsi élucidé, Fuad Pacha exprime l'opinion que la perception ne pourrait avoir lieu immédiatement.

M. le Commissaire Français est d'avis qu'il faut au contraire le percevoir en une seule fois et immédiatement. Il croit devoir faire observer que les Musulmans de Damas n'ont point consulté les convenances des Chrétiens quand ils les ont massacrés, quand ils ont livré leurs maisons au pillage et à l'incendie. Il n'admet pas que l'on consulte les convenances de ces mêmes Musulmans, quand il s'agit de leur faire payer une somme qui n'est rien, en comparaison du dommage réel et des souffrances endurées par leurs victimes. Et quand bien même la difficulté que les Damasquins éprouveraient à payer en seule fois leur imposition serait aussi grande qu'on veut bien le dire, où serait le mal? Damas n'est pas seulement une source dans laquelle on puise; c'est une ville coupable que l'on châtie. En la frappant d'un impôt extraordinaire, on peut atteindre une multitude de criminels qui ont échappé au glaive de la justice, et ceux-là mêmes qui, sans avoir pris matériellement part au massacre, à l'incendie, au pillage, s'en sont rendus, par leur inaction, les détestables complices. Damas ne mérite aucun ménagement, d'ailleurs les délais qu'on demande pour elle ne lui sont pas nécessaires. Il est possible qu'au lendemain d'un si grand désordre, l'argent se soit caché, qu'il se cache encore; mais il existe bien certainement, et à la première injonction il se montrera.

Il est hors de toute vraisemblance que Damas, peuplée de plus de 100,000 âmes, renommée par son luxe et pour ses richesses, ne puisse fournir d'un seul coup 35,000,000 de piastres, c'est-à-dire, seulement 7,000,000 de francs. M. Béclard conclue, en demandant que Damas soit contrainte de fournir cette somme immédiatement, et dans le délai d'une semaine.

Fuad Pacha répond que le caractère pénal de cette contribution est admis par tout le monde, et que les Damasquins ne cesseront pas de la ressentir, à quelque moment que la contribution doive avoir lieu ; qu'il s'agit seulement, dans sa pensée, de rendre la mesure effective, et d'éviter au Gouvernement les embarras qui résulteraient d'un trop grand nombre de contraintes. Si plusieurs milliers de Damasquins ne peuvent acquitter leur part de contribution, il faudra saisir leurs biens meubles ou immeubles, quand ils en auront, ou leurs personnes quand ils n'en auront pas. Comment le Gouvernement pourra-t-il pourvoir à la nourriture d'un si grand nombre d'individus ? Il est déjà débiteur envers Damas d'une somme presque égale à celle de l'imposition extraordinaire de 30,000,000 piastres. Fuad Pacha termine, en répétant que le châtiment pour Damas consiste dans l'impôt lui-même, et il ajoute que la réponse faite par M. le Commissaire Français soulève une question nouvelle et imprévue, celle de savoir si, par la manière de l'appliquer, le châtiment doit être aggravé.

M. le Commissaire Prussien observe que l'opinion de M. le Plénipotentiaire Ottoman devrait être prise en considération, si l'on était encore au lendemain des événements ; mais ces événements ont eu lieu déjà depuis 4 mois, et les habitants de Damas n'ont rien fait qui prouve de leur part le moindre repentir. Il est peut-être inouï, dit M. de Rehfues, que les habitants d'une ville, théâtre d'événements si épouvantables, n'aient pris spontanément aucune mesure pour les réparer. Les Damasquins n'ont pas même déblayé les ruines des maisons incendiées, sous les décombres desquelles gisent encore de nombreux cadavres. Les ordres que l'Administration doit avoir donnés à cet égard n'ont pas encore été suivis d'effet. Les habitants de Damas n'ont droit à aucune espèce de ménagement, et depuis 4 mois ils n'ont fait qu'aggraver leur culpabilité.

M. de Rehfues ajoute que la créance de Damas sur le Gouvernement Ottoman est une affaire réservée entre la Sublime Porte et l'une des villes de l'Empire. La Commission n'a point à s'en occuper. Si le Gouvernement est en mesure, par l'emprunt qu'il est actuellement en train de négocier, de venir en aide aux Damasquins dont il est le débiteur, personne ne peut s'opposer à ce qu'il le fasse. Ce que M. de Rehfues, en sa qualité de Membre de la Commission, demande, c'est qu'en faisant appel n'importe à quelle ressource, les Musulmans de Damas soient mis dans l'obligation de fournir 35,000,000 de piastres en argent ou en valeurs immédiatement réalisables. Pour une ville telle que Damas, c'est une somme presque insignifiante.

M. Novikow est aussi d'avis que l'impôt doit être levé sur Damas immédiatement et en une seule fois. Il fait observer que tout

délai à cet égard serait en contradiction avec le caractère expéditif que la Commission a résolu d'imprimer à toutes les mesures concernant le règlement des indemnités. Pour hâter ce règlement, la Commission a décidé, dans sa précédente séance, que les Chrétiens seraient payés sommairement, par catégories, c'est-à-dire, par approximation, et qu'une fois ce paiement expéditif effectué aucune victime ne serait admise ultérieurement à réclamer aucune indemnité ou complément d'indemnité. M. Novikow trouve au moins aussi juste que les Musulmans soient traités de la même manière. Si le mode de procéder adopté par la Commission à l'égard des Chrétiens devait être rendu inutile, et le seul avantage qu'il présente, compromis par un système d'atermoiements dans la perception de l'impôt, il y aurait lieu, selon lui, de revenir sur les décisions que la Commission a prises dans la séance précédente, et de recourir plutôt au système d'une évaluation régulière, qui serait au moins de nature à assurer aux Chrétiens le bénéfice de ces lenteurs, en leur permettant de poursuivre l'indemnité rigoureuse de toutes les pertes qu'ils ont subies.

M. le Commissaire d'Autriche déclare que ses informations personnelles concordent avec celles de Fuad Pacha, en lui donnant à penser que la perception immédiate et intégrale des 35,000,000 de piastres serait d'une extrême difficulté. Il cite à cet égard l'opinion du Consul d'Autriche à Damas, et il fait observer que, si, en accordant à Damas des termes pour le paiement, on pouvait tirer d'elle une somme plus considérable, cette combinaison serait avantageuse aux Chrétiens eux-mêmes. Ce qui importe aux Chrétiens, c'est que le paiement intégral de leur indemnité leur soit garanti. Dans le fait, ils s'arrangeraient probablement de plusieurs paiements partiels et successifs. S'il en était ainsi, peut-être pourrait-on procéder par à-compte à la levée de l'impôt de Damas, faciliter la tâche du Gouvernement, et concilier toutes les exigences de la situation.

Lord Dufferin croit que la Commission ne peut se prononcer sur le point actuellement soumis à sa délibération, et prendre une résolution contraire à l'opinion formellement exprimée par son Excellence, sans s'appuyer sur des faits, et sans avoir des notions positives sur l'étendue des ressources de Damas. On peut, dit-il; vouloir frapper Damas d'un châtiment sévère, cela est juste; mais la mesure du châtiment ne peut être aveugle. Lord Dufferin est porté à croire pour son propre compte que l'imposition de 35,000,000 de piastres n'est pas assez considérable; mais il éprouve en même temps quelque scrupule à trancher la question du mode et du moment de la perception. Il voudrait être sûr de ne pas outrepasser les forces contributives de cette cité, en exigeant d'elle un paiement immédiat qui l'épuiserait, et briserait peut-être à jamais, le ressort

de son activité commerciale et industrielle. Il voudrait notamment que le rapport entre le revenu locatif des maisons de Damas et le revenu total de ses habitants fût exactement connu. En un mot, Lord Dufferin voudrait que l'on sévisse contre Damas, dans le présent, jusqu'au point seulement où l'on serait bien sûr de ne pas compromettre son avenir. Lord Dufferin constate que, dans le projet de M. Outrey, la perception de l'impôt est divisée en 8 paiements, division qui n'a sans doute pas été suggérée à son auteur par une connaissance médiocre de la situation de Damas. M. le Commissaire Britannique exprime en conséquence le vœu que M. Outrey soit invité à venir donner à la Commission tous les renseignements dont elle a besoin.

M. le Commissaire Français répond à Lord Dufferin que le projet de M. Outrey qu'il a eu l'honneur de communiquer à la Commission, est un document que la Commission n'est nullement tenue d'adopter dans toutes ses parties; que, si M. Outrey propose de diviser en 8 termes le paiement de l'impôt extraordinaire de Damas, on ne saurait en conclure rigoureusement que, dans la pensée même de M. Outrey, Damas soit incapable de tout payer en une seule fois, et que ses propres informations l'autorisent au contraire à penser que Damas est parfaitement en mesure de fournir immédiatement le montant total de la contribution. Sur le fond de la question, M. Bécлар objecte à Lord Dufferin que l'impôt à lever sur Damas n'est pas un de ces impôts réguliers et durables pour l'établissement desquels un Gouvernement doit s'entourer de nombreux renseignements statistiques. C'est un impôt exceptionnel, établi entre des circonstances exceptionnelles, une véritable pénalité, une composition qui sera d'autant plus juste et plus morale qu'elle sera plus rigoureusement infligée. Il y a lieu en outre remarquer que cet impôt, quelqu'il soit, ne saurait être de nature à frapper Damas dans son avenir et dans sa vitalité commerciale et industrielle, attendu que les 35,000,000 de piastres qu'il s'agit de lever sur cette ville n'en sortiront pas. Ils ne feront que changer de mains. Enlevés aux Musulmans qui les cachent, ils passeront dans celles des Chrétiens qui les consacreront à de nombreux travaux de reconstruction et aux entreprises abandonnées du commerce et de l'industrie. Les Chrétiens de Damas étaient les instruments les plus actifs de sa prospérité. Au point de vue économique, point de vue auquel Lord Dufferin vient de se placer, non-seulement la perception intégrale de l'impôt et la répartition immédiate des indemnités ne sont pas des mesures funestes à la ville de Damas, prise dans son ensemble, mais elles semblent au contraire indispensables au prompt retour de sa prospérité.

La demande de Lord Dufferin, touchant le voyage de M. Outrey à Beyrouth, n'est appuyée par aucun membre de la Commission.

M. le Commissaire de Prusse déclare que, si le Consul de France à Damas est appelé à venir déposer son opinion dans le sein de la Commission, il ne voit aucune raison pour que les Consuls des 4 autres Puissances n'y soient pas également invités.

M. le Commissaire Français se trouve dans le cas de faire observer que la présence de M. Outrey est impérieusement réclamée à Damas, dont la situation ne cesse pas d'être alarmante; mais il offre à la Commission de provoquer, de la part de M. Outrey, l'envoi par écrit de tous les renseignements qui seraient de nature à l'éclairer. Cette proposition est acceptée par la Commission, qui ajourne sa décision.

Avant la fin de la séance, M. Bécлар appelle l'attention de M. le Commissaire Extraordinaire de la Sublime Porte sur la misère des Chrétiens de la Montagne qui retournent dans leurs villages. Il serait selon lui convenable d'imposer aux Druses une contribution préalable, en nature, qui permettrait de distribuer aux Chrétiens divers objets de première nécessité. On pourrait, dit-il, obliger chaque Druse à fournir:—6 mesures de blé; 3 mesures d'orge; 10 rottolis de raisin sec; 3 matelas; 3 couvertures; 2 marmites, 1 bassine en cuivre; 1 tapis en poil de chèvre; 1 natte; 10 poutres, ou leur valeur à raison de 50 piastres.

Ce système de restitution a été mis facilement et très utilement en pratique par les officiers Français, dans certaines localités, occupées par des détachements du corps expéditionnaire.

Fuad Pacha répond que des contributions de ce genre ont déjà été effectuées par ses ordres dans la Montagne, et qu'il vient notamment de requérir 40,000 mesures de semences, prélevées sur les biens des Chefs Druses, qu'il fera distribuer aux Maronites, et prit d'ailleurs d'autres mesures destinées à subvenir aux besoins les plus urgents des populations. Il exprime seulement la crainte que ces opérations ne soient entravées par l'ardeur des Chrétiens, qui, dans plusieurs villages, ont eux-mêmes exercé de violentes représailles contre les Druses, et pillé quelques-unes de leurs maisons.

M. de Rehfués signale à l'attention M. le Commissaire Ottoman de récentes informations, d'après lesquelles un convoi de 10 chameaux, chargés de poudres et d'armes, aurait été rencontré dans les environs de St. Jean d'Acre, en destination pour les Druses rebelles et réfugiés dans le Hauran. La vente de ces munitions de guerre étant interdite dans les bazars de la ville, on a pu penser qu'elles avaient été détournées des magasins de la forteresse de St. Jean d'Acre. M. de Rehfués cite le nom des deux guides qui ont fait la rencontre de ce convoi, et Lord Dufferin demande le nom des Anglais que ces guides accompagnaient dans une excursion.

Fuad Pacha proteste contre la pensée que ces munitions puissent provenir des magasins de l'Etat, et manifeste l'intention de porter, sur le fait qui lui est signalé, ses plus sévères investigations.

La séance est levée à cinq heures et demie.

(Suivent les signatures.)

(13.)—*Protocol of Thirteenth Meeting.*

Beyrout, November 26, 1860.

Le Lundi 26 Novembre, 1860, tous les Commissaires étant réunis à Beyrout, sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal est lu et adopté avec quelques modifications, et, sur la demande de son Excellence le Commissaire Extraordinaire de la Sublime Porte, on convient d'annexer au prochain procès-verbal la note ci-jointe (voir l'Annexe No. 1).

Lord Dufferin donne lecture à la Commission d'une lettre de M. Rogers, Vice-Consul de Sa Majesté Britannique à Caïffa, touchant le fait signalé à la précédente séance par M. le Commissaire Prussien (voir les Annexes Nos. 2 et 3).

Fuad Pacha entretient la Commission du projet d'arrêté qu'il va prendre pour encourager le retour des Chrétiens dans la Montagne. Indépendamment de la restitution des objets pillés par les Druses et du règlement ultérieur de l'indemnité totale due aux Chrétiens, Fuad Pacha établit par ce projet, et conformément à la pensée exprimée par M. Bécлар à la dernière séance, une imposition en nature à lever sur les Druses immédiatement. Chaque Druse contribuable serait contraint de fournir une certaine quantité de denrées et d'objets de première nécessité, équivalente à peu près à une somme de 110 piastres par tête. En dehors de cette contribution, on coupe des bois de construction, appartenant aux Druses, indistinctement partout où on les trouve, et pour lesquels on donne déjà depuis quelque temps des quittances ou reçus que les propriétaires auront la faculté de présenter en déduction de leur contribution ultérieure.

M. le Commissaire Français fait observer que l'efficacité des mesures que M. le Commissaire du Sultan se propose de prendre, dépendra presque exclusivement du caractère et de l'intelligence des agents qui seront chargés de les mettre à exécution. Il émet à cet égard le vœu que les officiers commandant des détachements du corps expéditionnaire dans la Montagne soient employés par Fuad Pacha, concurremment avec les officiers de l'armée Turque.

Fuad Pacha répond à M. Bécлар qu'il vient précisément de s'entendre à ce sujet avec M. le Général de Beaufort, et que des



ordres signés seront remis aux officiers Français pour faciliter et régulariser leur co-opération à la mesure ci-dessus indiquée.

M. Béclard donne lecture d'une lettre de M. Outrey, Consul de France à Damas, contenant des renseignements précis sur la force contributive de cette ville. Dans l'opinion de M. Outrey, un tiers de l'impôt extraordinaire de 35,000,000 de piastres pourrait être facilement payé immédiatement en argent, et les deux autres tiers d'ici au mois de Mars.

M. de Weckbecker expose que, dans l'opinion de M. le Consul d'Autriche à Damas, si on répartissait l'impôt en 4 termes trimestriels, non-seulement on pourrait lever facilement 35,000,000 de piastres, mais même le double.

M. le Commissaire Autrichien serait disposé à appuyer toute combinaison de ce genre qui, en répartissant l'impôt sur une durée de temps plus longue, permettrait d'en élever le chiffre, et de diminuer d'autant la part que le Trésor de l'Empire doit apporter dans la ressource totale des 150,000,000 qui paraissent indispensables au paiement des indemnités. Ce que la Porte fournira ne peut qu'être puisé dans la bourse de tous les contribuables de l'Empire, y compris celle des Chrétiens. Il semblerait juste à M. de Weckbecker de diminuer la charge du Trésor Impérial, en augmentant celle des Musulmans de Damas, seuls responsables des événements.

Lord Dufferin a reçu diverses informations relatives à la question de l'impôt de Damas. Il résulte de ces informations que Damas pourrait au maximum et à la rigueur payer 50,000,000 de piastres, en 5 mois, à raison de 10,000,000 de piastres par mois.

M. le Commissaire Prussien a reçu de Damas des renseignements relatifs à l'indemnisation des établissements religieux ; mais il n'a rien à ajouter à ceux qu'il a déjà transmis à la Commission, touchant la question de l'impôt extraordinaire.

M. le Commissaire Russe n'a pas reçu encore ses informations de Damas. Celles qu'il a recueillies à Beyrout auprès de quelques personnes compétentes concordent assez exactement avec celles de M. Outrey pour le chiffre des indemnités particulières.

Fuad Pacha renouvelle les déclarations déjà faites par lui dans la précédente séance. Son intention n'est pas de ménager les Damasquins, qui ne le méritent sous aucun rapport ; mais comme Plénipotentiaire du Sultan, chargé de l'exécution des mesures qu'il arrête, il ne doit en prendre aucune qui ne soit matériellement exécutable. Dans la question de l'impôt, il ne cherche même pas une combinaison qui rende le paiement de cet impôt facile pour les Damasquins. C'est la seule possibilité de percevoir qu'il a en vue. Les termes successifs qu'il a l'intention d'établir, sont destinés, dans

sa pensée, à rendre possible une mesure de l'exécution de laquelle il est responsable devant son Souverain. Une perception en 3 termes trimestriels lui paraît possible, et c'est sur cette combinaison que son esprit s'est le plus souvent arrêté.

M. Béciaud, tout en réservant toujours son opinion personnelle quo la perception totale et immédiate de l'impôt pourrait être effectuée si l'on voulait avoir recours à des moyens énergiques, propose l'adoption d'un moyen terme. On pourrait peut-être, dit-il, adopter le chiffre de 50,000,000, indiqué par Lord Dufferin, en lever la moitié dans 3 mois, et le reste en à-compte mensuels de 5,000,000 par mois, ce qui donnerait à la perception une durée de 8 mois.

Lord Dufferin appuie l'idée d'un moyen terme ; il propose de l'appliquer non-seulement à la perception, mais encore au chiffre de l'impôt. Entre 35,000,000, chiffre proposé par son Excellence, et 50,000,000, chiffre indiqué par lui, comme le maximum possible, il propose 40,000,000 à lever en 7 mois, savoir, 20,000,000 dans 3 mois, et 5,000,000 pendant chacun des 4 mois suivants.

Son Excellence le Plénipotentiaire Ottoman pense que les travaux préparatoires de classification et de répartition prendront environ deux mois, et qu'à l'expiration de ce délai il faudrait pouvoir disposer d'une somme d'environ 40,000,000 pour donner aux Chrétiens un premier à-compte suffisant. En supposant que Damas puisse en effet donner dans 3 mois 15,000,000 ou 20,000,000 de piastres, le Gouvernement devra fournir une somme égale. Son Excellence a le projet d'écrire dans ce sens à Constantinople. Quant au chiffre total de l'impôt et à la fixation définitive du délai dans lequel il sera perçu, Fuad Pacha hésite à prendre une détermination et se borne à donner à la Commission l'assurance de son bon vouloir.

Avant que la séance ne soit levée M. le Commissaire Français appelle l'attention de M. le Commissaire Extraordinaire du Sultan, sur la manière défectueuse dont s'opère à Damas la mesure du désarmement et sur les mauvais procédés dont les autorités Turques usent à l'égard des Musulmans qui ont courageusement essayé de s'opposer au massacre des Chrétiens, tandis qu'elles prodiguent les faveurs et les marques d'estime à des hommes connus pour l'avoir encouragé. Il saisit cette occasion de rappeler que M. le Commissaire de Russie a dernièrement proposé à la Commission de se transporter à Damas, et que la Commission a remis la discussion de cette proposition à l'une de ses prochaines séances. Le moment est venu, selon M. Béciaud, de prendre une résolution à cet égard, et il lui semble que la Commission, qui doit un jour ou l'autre aller à Damas, ne saurait faire ce voyage dans un moment plus opportun. Chacun des membres de la Commission doit éprouver le besoin de

juger par lui-même de la situation de Damas, et nul renseignement ne vaudra pour la Commission la vue même des lieux. M. Béclard demande en conséquence que la Commission se rende à Damas.

Son Excellence le Commissaire Ottoman, en ce qui concerne la mesure du désarmement, répond qu'elle s'opère, d'après les renseignements qui lui parviennent, d'une manière aussi satisfaisante que possible; quant aux faveurs dont seraient l'objet des hommes connus pour avoir matériellement ou moralement participé aux événements et aux mauvais procédés dont seraient au contraire victimes les hommes honorables qui ont fait des efforts pour les arrêter, Fuad Pacha sollicite de M. Béclard par l'intermédiaire de M. Outrey tous les renseignements qui seraient de nature à l'éclairer.

A l'égard du voyage de Damas, son Excellence Fuad Pacha est d'avis qu'il est inopportun et que même, à la veille du jour où il va prendre un arrêté relatif à l'imposition, la présence des Commissaires à Damas peut avoir le grand inconvénient de donner aux populations l'idée que le Gouvernement du Sultan n'agit pas de son propre mouvement, mais qu'il cède au contraire à la pression des Gouvernements étrangers. Son Excellence déclare qu'elle n'a aucun moyen de s'opposer à ce voyage, mais qu'elle ne peut ni s'y associer ni l'approuver.

M. de Weckbecker émet le vœu que Fuad Pacha prenne immédiatement l'arrêté concernant l'imposition et le publie avant que la Commission aille à Damas. De cette façon l'inconvénient signalé par son Excellence serait évité et le Plénipotentiaire Ottoman n'aurait pas l'air de céder à l'impulsion de la Commission.

Son Excellence Fuad Pacha fait observer que les Commissaires allant à Damas, nommément dans le but de recueillir des informations par eux-mêmes et sur les lieux relativement aux questions d'indemnité et de réparation des dommages éprouvés par les Chrétiens, il résulterait nécessairement de ce voyage un ajournement indéfini du règlement de la question d'impôt et d'indemnité.

M. Novikow en appuyant énergiquement la proposition de M. le Commissaire Français objecte que la Commission se rendant à Damas ne mettra pas beaucoup plus de temps pour y recueillir par elle-même les informations dont elle a besoin, que ces informations n'en mettront pour venir de Damas à Beyrout par écrit; et que le retard, s'il a lieu, sera tout au plus de quelques jours.

M. de Behrues appuie la proposition de M. Béclard, et déclare que les renseignements qui lui parviennent sur la situation intérieure de Damas, sur l'inaction et l'impuissance des autorités, sur le mauvais esprit de la population Musulmane, rendent à ses yeux le voyage de la Commission à Damas aussi urgent que nécessaire.

Lord Dufferin a toujours été d'avis que les Commissaires devaient aller à Damas. Il rappelle la promesse qu'il a déjà faite précédem-

ment d'appuyer la proposition de ce voyage dès qu'elle aurait rallié la majorité.

La proposition étant adoptée, MM. les Commissaires des 5 Puissances, sans fixer d'avance la durée de leur séjour à Damas, décident de s'y transporter.

La séance est levée à sept heures et demie.

(Suivent les signatures.)

Annexe 1.

La question de l'impôt extraordinaire que la ville de Damas doit payer, pour contribuer à indemniser les Chrétiens, étant mise à l'ordre du jour, la Commission examine les différents projets qui lui ont été soumis sur le mode de perception de cette imposition. La Commission ayant seulement mission de s'occuper de la question générale de la répression et de l'indemnité elle ne doit examiner la question de l'impôt extraordinaire que sous ce double point de vue, c'est-à-dire, comme un complément de la répression et comme un moyen d'indemniser les Chrétiens. Quant à son assiette et à son mode de perception c'est à l'autorité d'en fixer le meilleur moyen, et d'ailleurs un projet qui a été élaboré par Fuad Pacha et montré à la Commission offrait des avantages d'une répartition juste et équitable.

Fuad Pacha fait observer seulement que quel que soit le mode de la perception le recouvrement immédiat qui serait fixé à 35,000,000 de piastres lui paraît impossible. D'après les informations qu'il a prises auprès des Chrétiens notables de Damas même, cette ville dans la situation où elle se trouve aujourd'hui n'est pas en état de payer immédiatement une si forte somme. Le Plénipotentiaire du Sultan pourra employer toutes les rigueurs, mais des mesures de contrainte n'auront aucun effet devant une impossibilité matérielle. La confiscation des biens de ceux qui ne seront pas dans le cas de payer immédiatement leur contribution ne fera pas entrer dans les mains de l'autorité l'argent qui est nécessaire pour servir l'indemnité aux Chrétiens; ce moyen même retardera indubitablement la rentrée de la somme qu'on veut avoir immédiatement.

Annexe 2.—Lord Dufferin to Vice-Consul Rogers.

MONSIEUR, (Traduction.) *Beyrout, le 24 Novembre, 1860.*

UN bruit m'étant arrivé qu'une caravane de chameaux chargés de munitions provenant du dépôt du Gouvernement à Saint Jean d'Acre aurait été vue allant dans la direction du Hauran accompagnée par des Druses, je vous prie de me faire savoir si une telle circonstance est parvenue à votre connaissance.

Je vous fais cette demande parce qu'on m'a dit que ce fait vous a été certifié par le Drogman de deux voyageurs Anglais.

E. T. Rogers, Esq.

DUFFERIN AND CLANEBOYE.

Annexe 3.—Vice-Consul Rogers to Lord Dufferin.

MY LORD, (Traduction.) *Beyrout, le 24 Novembre, 1860.*

J'AI l'honneur d'accuser réception de la lettre de votre seigneurie en date d'aujourd'hui, et, en réponse, de vous informer que peu de temps avant mon départ de Caïffa, deux voyageurs Anglais y arrivèrent, et que je fus informé par eux ainsi que par leur Drogman Gabrielff Schembri, Maltais, demeurant à Jérusalem, que le 1er de ce mois, dans le voisinage de Medjdel-kroum, ils avaient rencontré une caravane de chameaux chargés, allant vers l'orient; que le susdit drogman avait demandé au Moukre (qui était Druse par hasard) ce qu'il portait, mais il reçut une réponse peu satisfaisante, et puis il fit la même question à un soldat Turc (mais je ne me rappelle plus s'il était de la troupe régulière ou de la troupe irrégulière) qui leur dit que les chameaux étaient chargés de munition de guerre. Le drogman conçut des soupçons à la suite de ces circonstances.

Aussitôt que j'en trouvai l'occasion je fis une enquête à Caïffa auprès de ceux qui avaient été dernièrement à St. Jean d'Acre, et l'on m'assura que la susdite munition avait été envoyée à Damas. Là-dessus je fus convaincu que le fait ne méritait plus d'investigation.

J'ai, &c.

Lord Dufferin.

E. T. ROGERS.

(14.)—Protocol of Fourteenth Meeting.

Beyrout, December 15, 1860.

Le 15 Décembre, 1860, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal est lu et adopté après quelques modifications.

Son Excellence M. le Plénipotentiaire Ottoman après avoir déposé le tableau d'une partie des condamnations qu'il a déjà prononcées depuis son arrivée en Syrie, croit devoir appeler de nouveau l'attention de la Commission sur l'impôt en nature à prélever sur les Druses. L'arrêté pris au sujet de cet impôt rencontre des difficultés d'exécution imprévues. Il a été constaté qu'un grand nombre de contribuables ne possédaient pas les objets que, aux termes de l'arrêté, ils devaient être contraints de livrer dans un délai de 5 jours qui va expirer. Les biens des Druses les plus riches sont déjà mis sous le séquestre depuis longtemps. L'imposition devra donc peser presque exclusivement sur les fellahs, c'est-à-dire, sur les villageois qui, pour la plupart, sont loin de pouvoir payer la somme de 1,100 piastres, équivalent en argent d'imposition en nature des objets et denrées qu'ils ne possèdent pas.

Lord Dufferin est d'avis que l'arrêté pris par Fuad Pacha a en effet besoin d'être revisé. M. le Commissaire Britannique se livre à divers calculs et communique à la Commission divers renseignements

qui la déterminent à remettre à Samedi prochain l'examen définitif de la question.

M. le Commissaire Français, servant d'interprète à ses collègues d'Autriche, de Grande Bretagne, de Prusse, et de Russie, fait connaître à M. le Commissaire du Sultan l'impression qu'ils ont tous rapportée de leur séjour à Damas. Ils sont tous unanimement d'avis que, sans rigueur excessive, la ville de Damas peut être contrainte à payer, en 5 mois, à partir du premier quartier prochain, une somme de 40,000,000 de piastres, et les villages environnants une somme de 24,000,000 de piastres en 5 mois, à partir de la même époque. En outre et comme complément indispensable de cette mesure de répression et de réparation pécuniaire, il leur a paru que son Excellence M. le Plénipotentiaire Ottoman devrait essayer de réagir contre les tendances déplorables de la population Musulmane, tendances qu'ils ont été à même de constater, en sévissant contre les coupables qui n'ont encore subi ni châtement ni disgrâce, et en donnant d'autre part des marques éclatantes et publiques de la satisfaction du Sultan à ceux d'entre les Musulmans, malheureusement trop rares, qui se sont honorablement conduits pendant les événements.

Son Excellence Fuad Pacha adhère au chiffre de 40,000,000 de piastres pour Damas et de 24,000,000 pour la banlieue; mais il renouvelle les réserves qu'il a déjà faites dans les précédentes séances sur la possibilité matérielle de lever pareille somme dans les délais ci-dessus indiqués. Quant aux témoignages de satisfaction que les Commissaires réclament en principe et qui consisteraient, soit en récompenses honorifiques, soit en exemptions d'impôt, il se déclare prêt à l'accorder. Il est également disposé à sévir contre les personnes qui seraient convaincues d'avoir participé aux crimes qui ont déjà motivé de sa part de si hautes et de si rigoureuses condamnations.

Sur la question de l'impôt, M. de Rehfués fait observer qu'il dépend de la Sublime Porte de rendre sa perception possible dans un bref délai en payant, sur les fonds provenant de l'emprunt qu'elle vient de contracter, tout ou partie de la somme de 20,000,000 à 30,000,000 de piastres qu'elle doit à Damas.

M. de Weckbecker, d'accord sur ce point avec ses collègues, émet l'avis que les soldats qui faisaient partie de la garnison de Damas lors des événements, devraient en être tous éloignés indistinctement.

M. Béclard appuie énergiquement le vœu exprimé par M. le Commissaire d'Autriche. Il rappelle en outre que la garnison de Damas étant alors d'au moins 800 soldats, sans compter 2,500 hommes environ dont se composaient les troupes irrégulières et le personnel de la police, on peut à bon droit s'étonner que dans le

grand nombre de chefs que comporte un tel effectif, le Commissaire Ottoman n'ait cru devoir en frapper qu'un seul. Tous les officiers sans exception, selon M. Béclard, devraient être mis en accusation. On a objecté, en leur faveur, l'absence d'ordres et l'insuffisance des troupes. Mais il y a des circonstances critiques où un officier doit suppléer par sa propre initiative aux ordres qu'il n'a pas reçus et lors même qu'il se croirait en présence d'une force supérieure se faire tuer à la tête de ses soldats. C'est sur ce principe que repose l'honneur des armées, et malheureusement on ne peut citer un seul officier de la garnison de Damas qui, dans ces tristes journées, ait su accomplir son devoir.

M. de Rehues rappelle à son tour que, peu de temps avant les événements, le quartier Chrétien qui était occupé par des détachements de la garnison a été tout-à-coup évacué, et que la veille même du massacre, les officiers ont envoyé chercher, dans les maisons où ils avaient logé, les effets qu'ils y avaient laissés. Il ajoute que plusieurs d'entre eux ne craignent pas de se vanter hautement, aujourd'hui, d'avoir prêté la main au soulèvement.

Fuad Pacha déclare n'avoir pas eu connaissance des faits qui viennent d'être rapportés. Il n'a pas cru devoir punir des officiers que leur Commandant-en-chef, avant sa condamnation, a lui-même dégagés de toute responsabilité. MM. les Commissaires trouveront cette déposition dans des dossiers qui leur seront prochainement remis.

Avant la fin de la séance, M. le Commissaire Russe, d'accord avec ses collègues, propose que, en ce qui concerne les établissements religieux indigènes, son Excellence Fuad Pacha veuille bien provoquer, de la part des chefs mêmes des communautés, des renseignements exacts sur les pertes subies par ces établissements. Ces données seraient communiquées à la Commission, comparées avec le résultat des informations recueillies par les Commissaires, et finalement consacrées par la Commission de la même manière que le chiffre des indemnités privées. Il est décidé, en conséquence de cette proposition, que le chiffre de l'indemnité à accorder aux établissements religieux indigènes de Damas sera fixé après une enquête particulière, et restera provisoirement en dehors de l'indemnité générale attribuée en principe aux Chrétiens, et dans le chiffre total de laquelle l'indemnité particulière aux établissements religieux sera ultérieurement comprise.

La séance est levée à 5 heures.

[Suivent les signatures.]

(15.)—*Protocol of Fifteenth Meeting.**Beyrout, December 22, 1860.*

LE 22 Décembre, 1860, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal est lu et adopté avec quelques modifications.

L'ordre du jour appelle l'examen de la question de l'impôt en nature à lever sur les Druses.

Selon M. le Commissaire Britannique, cet impôt, tel qu'il a déjà été réglé, ne peut être levé sans injustice et sans danger pour l'existence même de la nation des Druses. Aux termes de l'arrêté pris par son Excellence Fuad Pacha, chaque Druse contribuable serait contraint de fournir une certaine quantité d'objets ou leur équivalent en argent montant à une somme de 1,100 piastres. Or il est constant, d'après des renseignements nombreux et dignes de confiance, que la majorité des Druses ne possède pas ces objets, ni leur équivalent en argent, et se trouve dans l'impossibilité matérielle de se les procurer. Cet arrêté a en outre le très grave inconvénient de frapper indistinctement tous les Druses, riches ou pauvres, de la même contribution.

A Damas, on se propose au moins de tenir compte de la capacité relative des contribuables. On les divise en catégories, et il y a même un projet pris en sérieuse considération par la Commission dans lequel la classe la plus pauvre est exemptée de toute contribution. Lord Dufferin croit devoir, au nom de l'humanité, réclamer en faveur des Druses l'adoption de ce système. Provoqués à la guerre civile par l'attitude menaçante des Maronites, les Druses sont certainement moins coupables que les Musulmans de Damas ; et cependant si on frappe Damas d'une contribution de 40,000,000 de piastres et les Druses d'un impôt en nature équivalent par tête à un impôt de 1,100 piastres, eu égard au nombre des Musulmans de Damas entre lesquels sera réparti l'impôt, les Druses, toute proportion gardée, paieront plus en 5 jours que les Damasquins en 5 mois. Lord Dufferin ne peut s'empêcher de voir là une grande injustice. Il rappelle enfin qu'un certain nombre de villages Druses ont déjà été soumis à des réquisitions et que d'autres ont été complètement pillés. Ne pas tenir compte de ces circonstances et demander aveuglément à tous les Druses, dans tous les villages, une même contribution, ce serait vouloir consommer la ruine matérielle d'un peuple qui a été déjà frappé dans son existence politique. En conséquence Lord Dufferin est d'avis que l'arrêté pris par son Excellence devrait être rapporté.

Fuad Pacha fait observer que cet arrêté, lorsqu'il en a donné lecture, n'a soulevé dans la Commission et même de la part de M. le Commissaire Britannique, aucune objection ; que la perception de

l'impôt ne doit pas, comme le dit Lord Dufferin, être effectuée dans le laps de 5 jours, mais seulement commencer dans un délai de 5 jours à partir du jour de la promulgation, ce qui est bien différent ; que par conséquent, les agents chargés de cette perception peuvent y mettre tout le temps nécessaire, et que d'ailleurs, ces mêmes agents ont reçu des instructions qui leur enjoignent de tenir compte des circonstances dans l'exécution de la mesure et d'user de ménagements partout où il le faudrait.

M. le Commissaire Prussien est d'avis que la mesure est urgente et indispensable. Il penche à croire qu'elle n'est point aussi rigoureuse que vient de la présenter Lord Dufferin, dont tous les calculs reposent sur une base douteuse, c'est-à-dire, sur une estimation probablement beaucoup trop élevée des objets demandés aux Druses.

M. le Commissaire Français a volontiers consenti pour sa part à ce que la mesure de l'impôt sur les Druses fût de nouveau examinée, quant à ses détails, et retardée de quelques jours dans l'exécution, mais il n'admet pas que l'arrêté déjà pris par Fuad Pacha et approuvé par la Commission puisse en principe être rapporté. Il verrait même un grand inconvénient à la prolongation d'un retard qui compromet l'autorité et laisse indécises les populations. Cet impôt, si on veut le considérer au point de vue pénal, est bien loin de correspondre au nombre et à l'énormité des crimes commis par la nation Druse, et ne saurait à aucun titre passer pour une persécution, mais on doit le considérer surtout au point de vue de l'utilité. C'est une mesure d'urgence destinée à mettre dans les mains du Gouvernement une certaine quantité, la plus grande possible, d'objets de première nécessité. La teneur de l'arrêté ne peut donc qu'être très-sommaire, mais c'est au discernement des agents chargés de l'exécuter à l'adoucir et à le tempérer dans l'exécution toutes les fois qu'il en sera besoin. S'il était d'ailleurs démontré d'avance que certains objets seront d'une perception par trop difficile, M. Béchard ne s'oppose pas à ce que, séance tenante, la liste en soit révisée.

M. le Commissaire d'Autriche donne lecture d'une lettre d'après laquelle les Druses seraient hors d'état de payer la contribution fixée dans l'arrêté. En général les Druses n'ont que très peu d'objets mobiliers. Dès qu'ils ont un peu d'argent, ils achètent de la terre. On ne trouvera donc en général chez les Druses ni meubles superflus ni argent comptant. M. de Weckbecker demande s'il ne serait pas convenable d'appliquer exclusivement l'imposition aux riches dont les biens sont déjà sous le séquestre et sur lesquels on pourrait réaliser immédiatement la perception, soit des objets en nature, soit de leur équivalent pécuniaire.

M. le Commissaire de Russie appuie cette proposition. Au fond, dit M. Novikow, il s'agit d'une question pratique, la question de

savoir quel est le meilleur moyen à employer pour se procurer les objets de première nécessité dont les Chrétiens ont besoin. Si les Fellahs Druses ne sont pas en état d'en fournir en nombre suffisant, c'est aux Sheikhs des villages qui possèdent des propriétés, et qui ont nécessairement profité de la plus large part du butin, qu'il faut demander ces objets ou l'équivalent en argent ; de plus les Mokattajis Druses étant les principaux contribuables, c'est au Gouvernement qui a séquestré leurs propriétés qu'incombe le devoir de soulager le sort des Chrétiens avec les ressources qu'il peut tirer de ces propriétés.

MM. les Commissaires de France et de Prusse insistent pour que la mesure soit exécutée dans son ensemble contre la masse des Druses, sauf à ne pas poursuivre ceux d'entre eux qui ne possédant rien ou que le strict nécessaire ne pourraient rien donner. M. le Commissaire de Prusse propose l'adoption d'un double principe de solidarité entre les individus d'un même village et les villages d'un même district, et M. le Commissaire de France la radiation de plusieurs objets, tels que les semences et les bassines en cuivre dont la perception passe pour être trop difficile.

Lord Dufferin admet la possibilité de la mesure avec ces divers tempéraments, et son Excellence Fuad Pacha exprime à ses collègues l'intention où il est de leur envoyer dès le lendemain copie du nouvel arrêté qu'il va prendre conformément à l'opinion moyenne autour de laquelle viennent de se rallier tous les suffrages de la Commission.

Son Excellence Fuad Pacha dépose entre les mains de M. le Vice-Président le texte de sentences émanées du Tribunal Extraordinaire siégeant à Beyrout, ce qu'il soumet à l'examen de la Commission.

Avant que la séance soit levée, M. le Commissaire Français interpelle Fuad Pacha relativement à l'impôt extraordinaire dont la ville de Damas doit être frappée. Il désirerait savoir si la mesure a été décrétée conformément à l'avis unanime des membres de la Commission.

Fuad Pacha répond qu'il vient de recevoir une dépêche officielle par laquelle il est informé que son Gouvernement se réserve de décider la manière dont les indemnités seront fixées et payées aux Chrétiens, ainsi que la fixation des impôts à prélever pour les indemnités. Son Excellence ajoute qu'elle éprouve personnellement le besoin d'en terminer au plus vite avec cette affaire, et qu'elle se propose d'expédier immédiatement des dépêches pressantes à Constantinople pour obtenir que la Sublime Porte hâte sa décision.

M. le Commissaire Français exprime l'étonnement et le profond regret que lui inspire cette décision, puisqu'elle entraînera nécessairement des retards dans l'exécution d'une mesure que tous les membres de la Commission ont unanimement considérée comme

étant d'une extrême urgence. Il ne croit pas se tromper en ajoutant que le sentiment unanime des 5 Commissaires est partagé par leurs Gouvernements respectifs.

La séance est levée à six heures.

(Suivent les signatures.)

(16.)—*Protocol of Sixteenth Meeting.*

Beyrout, December 29, 1860.

Le 29 Décembre, 1860, tous les Commissaires, à l'exception de Fuad Pacha représenté par Abro Efendi, étant réunis à Beyrout sous la présidence de M. Béclard, Vice-Président, la séance est ouverte à 3 heures. Le procès-verbal est lu et adopté avec quelques modifications.

Abro Efendi exprime au nom de Fuad Pacha le regret que son Excellence éprouve de n'avoir pu assister à la séance par suite de son indisposition. Il dépose ensuite entre les mains de M. le Président le dossier des pièces d'instruction relatives au procès des officiers Ottomans et des Cheiks Druses détenus à Beyrout.

Le Commissaire Français, ayant pris connaissance, ainsi que ses collègues, des jugements, ou pour mieux dire des conclusions sous forme de rapports, soumises à son Excellence Fuad Pacha par le Tribunal Extraordinaire de Beyrout, et que son Excellence a communiquées à la Commission dans la précédente séance, remarque que ces conclusions, en ce qui concerne Kourchid Pacha et les autres fonctionnaires ou officiers Ottomans, ne provoquent que l'application de la peine de la détention dans une forteresse, tandis que la peine de mort, d'après ces mêmes conclusions, est applicable à Said Bey Djomblat et aux autres Chefs Druses. Comme la plus grande part de responsabilité, en principe, semble devoir peser sur les autorités Ottomanes, le Commissaire Français, organe de toute la Commission, exprime le désir de savoir en quoi cette responsabilité a pu être atténuée aux yeux des juges, les pièces communiquées par son Excellence Fuad Pacha ne fournissant à cet égard aucune indication satisfaisante. Il invite donc Abro Efendi à transmettre cette interpellation au Plénipotentiaire Ottoman.

Abro Efendi répond que MM. les Commissaires trouveront sans doute dans le dossier des pièces qu'il vient de déposer, les éclaircissements qu'ils désirent. Il se fera, d'ailleurs, un devoir de transmettre à Fuad Pacha l'interpellation de M. Béclard, et il a lieu de croire que les explications de son Excellence satisferont entièrement la Commission.

M. le Commissaire de Sa Majesté Britannique appelle l'attention de ses collègues sur la nécessité qu'il y aurait, selon lui, de prendre des précautions contre l'application négligente ou inintelligente de la procédure sommaire qu'ils ont recommandée à Fuad Pacha à l'égard

des principaux auteurs des massacres de Hasbeya, Racheya, et Deir-el-Kamar. MM. les Commissaires se rappelleront que, conformément à une entente arrêtée entr'eux et le Haut Commissaire Ottoman, les chefs religieux des différentes communautés Chrétiennes furent invités à fournir à son Excellence Fuad Pacha des listes assermentées, contenant le nom des Druses que leur haute responsabilité dans les événements, ou leur participation aux massacres dans des circonstances aggravantes, rendraient passibles de la peine de mort.

En confiant aux prélats des communautés Chrétiennes la grave tâche de cette dénonciation, on était en droit d'espérer qu'un juste discernement de leur part adoucissait l'animosité vindicative qui emporte trop naturellement, d'ailleurs, leurs troupeaux respectifs, et ramènerait aux proportions d'une justice Chrétienne le nombre de ceux qui seraient désignés pour la peine capitale. Mais il paraît que l'on se trompait en espérant un tel résultat, vu que, sur les 8,000 adultes dont se compose la population Druse du Liban, 4,600 têtes ont été demandées par ces personnages. Il est vrai que les représentations du Haut Commissaire Ottoman les ont déterminées plus tard à réduire le nombre de leurs sanguinaires réquisitions. Il s'élève cependant encore au chiffre énorme de 1,200 têtes. Lord Dufferin ne peut s'empêcher d'exprimer son indignation à l'égard d'une conduite dictée par un tel esprit de vengeance. Il y voit un nouvel indice du désir d'exterminer la nation Druse, désir auquel il a été déjà plusieurs fois dans le cas de faire allusion et qui est à son avis une des causes principales des derniers événements. Une circonstance que le hasard lui a fait connaître et qu'il s'empresse de révéler à ses collègues, vient d'augmenter encore le sentiment pénible que lui inspire la démarche des prélats, et sa défiance à l'égard de la justice des dénonciations fournies à son Excellence Fuad Pacha. Il paraît que pendant la nuit du 26 courant, un habitant de Deir-el-Kamar, nommé Youssef Ghalleh, accompagné d'un gendarme, se présenta à la maison d'un Cheik Druse résidant à Beyrouth, nommé Sirhan, et accusant celui-ci du meurtre de son cousin à Deir-el-Kamar le jour du massacre, manifesta l'intention de l'arrêter pour le conduire à la prison. Heureusement un voisin Chrétien se porta garant de l'innocence de l'accusé, et persuada le plaignant de différer l'arrestation. Le lendemain matin cependant, Youssef Ghalleh se présenta de nouveau pour procéder lui-même à l'arrestation. Mais le Cheik Sirhan fit appel à un négociant Anglais et à plusieurs autres voisins Chrétiens, avec lesquels il était en relations journalières pendant l'été, et prouva que, le jour du crime dont on l'accusait, et pendant plusieurs semaines avant et après, il n'avait pas quitté Beyrouth. Confondu par de tels témoignages, l'habitant de Deir-el-Kamar, tout en protestant contre l'intérêt que l'on

témoignait à un Druse, déclara qu'il se désisterait de sa poursuite, pourvu qu'on lui donnât une certaine somme en guise de prix du sang. Il fut, d'autre part, obligé d'abandonner sa réclamation, quand il fut démontré, par la confrontation de l'accusé avec la femme du défunt, que ce prétendu coupable était innocent ; néanmoins ce malheureux Cheik Druse fut obligé de récompenser les gendarmes.

Si un pareil outrage peut être impunément commis dans l'enceinte même de Beyrout et pour ainsi dire sous les yeux de Fuad Pacha, quelles violences et quelles injustices ne doit-il pas se commettre dans les gorges de la Montagne, où aucune influence éclairée, Chrétienne ou Européenne, ne peut intervenir pour mettre un frein à la fureur vengeresse d'une population, justement indignée sans doute, mais évidemment encouragée par ses chefs spirituels à maintenir, dans toute sa vigueur, l'ancien principe du sang pour le sang.

Ces réflexions depuis quelque temps occupent péniblement l'esprit du Commissaire Britannique, et afin de se prémunir d'avance contre l'accusation d'avoir en quoi que ce soit participé à l'effusion du sang innocent, Lord Dufferin a l'honneur de soumettre à son Excellence Fuad Pacha et à la Commission les propositions suivantes :

1. Qu'aucun Druse ne sera traduit devant le Tribunal Militaire sans être accusé d'avoir assassiné de sang-froid un homme désarmé, une femme, ou un enfant ;

2. Que le serment de deux témoins oculaires soit exigé pour servir de base à toute condamnation capitale ;

3. Qu'en réglant le chiffre des condamnés à mort, on aura égard au nombre des Druses qui ont été assassinés par les Chrétiens, depuis l'arrivée de la Commission en Syrie ;

4. Que le degré de la peine capitale appliquée à la nation Druse sera moindre que celui qu'on a trouvé suffisant à Damas.

Abro Efendi confirme à certains égards, par de nouveaux renseignements, les appréciations auxquelles vient de se livrer M. le Commissaire Britannique, et constate à son tour que la conduite des prélats Chrétiens ne paraît pas avoir été inspirée par ce sentiment de justice Chrétienne qui devrait la caractériser. Ils ont d'abord dénoncé 4,600 personnes. M. le Plénipotentiaire Ottoman a dû leur faire remarquer qu'il s'agissait uniquement de condamnations à mort, et que le chiffre de leurs dénonciations n'était point en rapport avec la gravité de cette peine. Ils ont alors, sur l'invitation de son Excellence, divisé leur liste en 3 catégories, comprenant seulement dans la première le nom de ceux qui doivent être condamnés au dernier supplice. Cette première catégorie renferme encore, au grand étonnement du Haut Commissaire du Sultan, le nom de 1,200 individus, parmi lesquels son Excellence, après avoir

communiqué les projets de sentences, se trouvera dans le cas de faire exécuter seulement les plus coupables.

En réponse aux observations de Lord Dufferin et d'Abro Efendi, concernant les dénonciations faites par les évêques Chrétiens, le Commissaire Russe rappelle que, conformément à ce qui a été convenu entre les membres de la Commission et son Excellence Fuad Pacha, les principaux coupables devaient être signalés par les chefs spirituels, sur l'indication des Primats Chrétiens eux-mêmes. En présentant les susdites listes, les évêques n'ont fait que remplir strictement le mandat qui leur avait été confié, et qui consistait à servir d'intermédiaires entre le chef du pouvoir exécutif et leurs coreligionnaires. Il leur eût même été impossible de procéder aux dénonciations de leur propre chef, attendu qu'ils n'avaient pas assisté personnellement aux massacres. On ne saurait donc en aucune façon faire peser sur eux la responsabilité du chiffre plus ou moins élevé des dénonciations. Il y a même grandement lieu de penser, selon M. le Commissaire Russe, qu'ils auront réduit le chiffre qui, d'après les idées reçues dans le pays en matière de droit pénal, devait sans doute comprendre autant d'accusés qu'il y avait eu de victimes.

Quant à la question des condamnations qui seront prononcées dans la Montagne, M. Novikow rappelle que la Commission a établi 3 catégories de coupables passibles de la même peine. Elle a posé le principe, mais il ne lui conviendrait nullement d'entrer dans les détails de l'application. Toutefois M. le Commissaire Russe croit devoir ajouter que la seule peine décrétée étant la mort, il avait été bien entendu que cette peine ne serait appliquée qu'aux principaux criminels, et que le triage devrait être effectué avec un soin scrupuleux. La répression des Druses porte un double caractère: celui d'une peine afflictive et celui d'une mesure préventive, destinée à frapper de terreur le reste de la nation, et à lui servir de leçon pour l'avenir. Ce n'est donc pas autant dans le nombre que dans le choix des coupables et dans la recherche des circonstances, susceptibles de donner à l'œuvre de la justice plus de retentissement et d'éclat, que devra consister l'effet moral des exécutions. A cette fin, les condamnés devraient subir leur peine dans les villages mêmes qu'ils habitent, et si toutes les exécutions se faisaient simultanément, à la même heure, sur tous les points de la Montagne, un tel mode de procéder permettrait de réduire dans une certaine mesure le nombre des exécutions. Dans la pensée de M. le Commissaire Russe, l'efficacité de la répression résultera moins de l'application de peines individuelles que d'un ensemble de mesures propres à garantir le pays contre le renouvellement des mêmes calamités. Dans cet ordre d'idées, deux mesures lui semblent impérieusement réclamées par les circonstances, c'est : 1, le désarmement général de la population,

qui ne s'effectuait pas seulement en une fois, mais devrait continuer à s'effectuer sans interruption d'une manière permanente ; 2, la soumission définitive du Hauran, car il n'y aura jamais de sécurité réelle pour les populations du Liban et des contrées environnantes, tant que les fauteurs de désordres seront sûrs d'y trouver une sorte d'asile inviolable.

Enfin et pour clore l'article des répressions à exercer en conséquence des événements de la Montagne, M. Novikow fait observer que les garnisons Ottomanes de Hasbeya, Racheya, et Deir-el-Kamar, qui ont livré aux Druses les Chrétiens placés sous leur protection, sont plus coupables que les Druses eux-mêmes. Jusqu'ici on n'a puni que le Commandant de ces garnisons. M. Novikow est d'avis, et il pense que tous ses collègues sans exception partagent son sentiment à cet égard, que les officiers même subalternes sont tous solidaires de la trahison commise envers les Chrétiens, et que ce ne serait pas trop que de les punir en les dégradant.

Abro Efendi répond que ces officiers, n'ayant point, à vrai dire, de responsabilité directe, puisqu'ils obéissaient aux ordres de chefs supérieurs, déjà condamnés, n'ont point paru mériter de condamnation, mais qu'il entre dans les projets du Gouvernement de les éloigner tous sans exception. En ce qui concerne la simultanéité des exécutions dans toutes les localités habitées par les Druses qui seront condamnés, le vœu émis par M. le Commissaire Russe est entièrement conforme aux propres intentions de Fuad Pacha.

M. le Commissaire d'Autriche désire que, dans l'œuvre de la répression des Druses, Fuad Pacha, tout en pratiquant une justice sévère, évite autant que possible une trop grande effusion de sang. Selon lui, les Représentants des Puissances Chrétiennes ne peuvent que recommander au Plénipotentiaire Ottoman de se montrer avare de la peine de mort.

M. le Commissaire Prussien ne peut s'empêcher de remarquer que rien dans la conduite de Fuad Pacha n'autorise à croire qu'il doive outrepasser les bornes de la justice. Sa tendance est plutôt de rester en deçà, et quand depuis 5 mois Fuad Pacha n'a pas encore sévi contre un seul Druse, ce n'est pas la miséricorde qu'il semble précisément nécessaire de lui recommander.

M. Béclard est d'avis que la Commission est allée aussi loin que possible dans la voie du sentiment Chrétien, quand elle a décidé que la répression des Druses s'accomplirait surtout en vue de l'avenir, et que l'on ait seulement à frapper 3 catégories de coupables : les organisateurs du massacre, les chefs de bandes, et les assassins qui ont commis les plus révoltantes atrocités. Cette triple formule circonscrit dans des limites suffisamment étroites l'œuvre de justice confiée à Fuad Pacha depuis plusieurs mois, et qui vient à peine d'être commencée. Dans une telle occurrence, M. le Commissaire

Français pense que la Commission pourrait tout au plus se borner à rappeler à M. le Plénipotentiaire Ottoman les termes de l'entente qui s'est établie à cet égard entre tous les membres de la Commission, et dont mention a été faite dans le procès-verbal de la séance du 14 Novembre. Depuis lors, il n'est survenu aucun incident qui puisse déterminer la Commission à se déjuger, et à proposer de nouvelles bases à la répression des Druses.

Quant au nombre des dénonciations faites par les évêques, il semble à M. le Commissaire Français plus accablant pour la nation Druse que pour les évêques. On a eu recours à leur intermédiaire, parce qu'ils sont par position plus en mesure que toutes autres personnes de recueillir et centraliser les renseignements propres à éclairer la justice. En transmettant à M. le Plénipotentiaire Ottoman les noms de ceux qui leur étaient signalés, ils n'ont fait que remplir exactement le mandat qui leur était confié, et dans cette circonstance ils n'ont agi ni comme évêques ni comme juges, mais comme citoyens. En conséquence, M. Bécлар proteste avec énergie contre l'accusation dirigée contre eux, et d'après laquelle ils ne se seraient pas montrés les dignes représentants du sentiment Chrétien. Ils ont présenté une première liste générale, contenant les noms de 4,600 Druses, et puis une seconde liste contenant seulement les noms des 1,200 principaux coupables. Ces chiffres préparatoires ne lient en aucune façon M. le Plénipotentiaire Ottoman. Il y a lieu seulement de remarquer qu'il trouvera probablement dans la seconde liste les organisateurs du complot, les chefs de bandes et les assassins sanguinaires, qui, aux termes de l'arrangement intervenu dans la séance du 14 Novembre, sont seuls passibles de la peine de mort.

M. le Commissaire Prussien appelle l'attention de la Commission sur la manière irrégulière et illusoire dont s'opère à Damas la mesure du désarmement. M. Novikow constate que, lors du voyage des Commissaires à Damas, à peine 1,500 armes avaient été recueillies. M. Bécлар fait observer que, tant que les agents de l'autorité ne croiront pas pouvoir pénétrer dans le harem, les perquisitions dans les maisons Musulmanes ne donneront aucun résultat. M. de Rehues est d'avis que l'on devrait, sur un avertissement préalable, faire évacuer momentanément la partie des maisons Musulmanes réservée aux femmes pour y procéder aux perquisitions, et que, si cette opération rencontrait trop de difficultés, on devrait lever sur Damas un impôt forcé d'armes et de munitions. Lord Dufferin insiste sur l'utilité de la mesure du désarmement qu'il est essentiel, selon lui, d'opérer partout, à Damas et dans la Montagne. MM. les Commissaires, en terminant cette conversation, reconnaissent tous unanimement que les deux mesures du désarmement et de l'impôt extraordinaire à Damas sont de la plus haute importance. Ils expriment de nouveau à cet égard le profond regret que leur inspire

la récente décision prise par la Porte, et les ajournements funestes qu'elle entraîne.

La séance est levée à quatre heures et trois quarts.

(Suivent les signatures.)

(17.)—*Protocol of Seventeenth Meeting.*

Beyrout, December 31, 1860.

LE Lundi, 31 Décembre, 1860, tous les Commissaires étant réunis à Beyrout, sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Une conversation s'engage entre MM. les Commissaires sur les questions qui ont déjà été examinées dans la précédente séance à laquelle son Excellence Fuad Pacha avait été empêché d'assister par suite du mauvais état de sa santé. Son rétablissement va lui permettre de se rendre immédiatement à Moktara, où les Druses qui viennent d'être arrêtés seront jugés. Son Excellence a fait procéder à de nombreuses arrestations non-seulement parmi les Druses, mais aussi parmi les Musulmans Sunnites et les Métualis. On a relâché tous ceux qui n'étaient pas compris dans les listes de dénonciations fournies par les notables Chrétiens, et cette mesure, tout en rétablissant la confiance et en empêchant qu'une sorte de panique ne se répandît dans le pays, aura encore l'avantage de faciliter d'autres arrestations. La Commission sait comment ces listes ont été dressées, et quel nombre de dénonciations elles contiennent. Son Excellence entre dans de nouveaux détails à cet égard, et confirme ceux qui ont déjà été donnés par Abro Efendi dans la précédente séance. Une première liste générale, contenant 4,600 noms, avait été dressée. Fuad Pacha, eu égard au système de pénalité qu'il a résolu d'adopter, conformément au vœu de la Commission, a cru devoir demander aux Evêques une liste des principaux coupables. Les Evêques ont alors dressé 3 listes d'accusations, graduées selon le degré apparent de la culpabilité. La première de ces listes contient encore 1,200 noms d'individus accusés comme organisateurs, chefs de bandes, ou assassins sanguinaires; Fuad Pacha cherchera parmi ceux-là les plus grands coupables qui, aux termes de l'arrangement intervenu entre la Commission et le Plénipotentiaire Ottoman, sont tous également passibles de la peine de mort. Avant de procéder aux exécutions, Fuad Pacha exprime l'intention où il est de communiquer à la Commission la liste des condamnés et le texte des sentences.

M. le Commissaire Britannique fait part à ses collègues des renseignements qui lui ont été fournis récemment, et d'après lesquels une centaine de Druses environ auraient été assassinés par des Chrétiens depuis l'apaisement de la guerre civile. Cette circonstance, selon Lord Dufferin, mériterait d'être prise en considération pour

déterminer le chiffre de ceux d'entre les Druses qui devront subir la peine capitale.

M. Novikow fait observer que ce sont là des assassinats isolés commis d'individus à individus, et qu'il y en a eu du même genre commis par les Druses contre les Chrétiens. Fuad Pacha répond qu'il y a eu aussi des réclamations de la part des Chrétiens au sujet d'assassinats isolés commis par les Druses ; mais on ne sait pas si ces assassinats ont été commis pendant ou après les événements de la Montagne.

M. le Commissaire Prussien rappelle à cet égard qu'il a présenté, il y a deux mois, à Fuad Pacha une liste d'une trentaine d'assassinats, commis par des Druses contre des Chrétiens. M. Bécлар s'engage à donner également le nom des Chrétiens qui ont été victimes d'assassinats isolés depuis l'arrivée du Commissaire de la Sublime Porte en Syrie. Il saisit cette occasion pour demander à Fuad Pacha quand et comment il compte procéder à la mesure du désarmement, et M. de Weckbecker remarquant que l'esprit de vendetta règne dans tous les pays de la Montagne et qu'en général là où la justice est lente et le sang bouillant, les particuliers sont naturellement portés à se faire justice eux-mêmes, M. Bécлар insiste sur la nécessité de combattre cette tendance naturelle par une justice prompte et par le désarmement. Il cite à cet égard l'exemple de la Corse où, par l'intervention active du pouvoir judiciaire et un désarmement rigoureux, le Gouvernement Français est arrivé à changer presque complètement les habitudes de la population.

Fuad Pacha répond qu'en Syrie la mesure du désarmement général dépend de la réorganisation que le Gouvernement Impérial veut introduire dans tout l'Empire. Cette mesure suppose, indépendamment d'une force armée régulière, l'institution d'une bonne gendarmerie, la suppression du corps des Bachi-Bozouks, et la création de lignes d'observation sur les confins du désert, car on ne peut désarmer un groupe de population sans désarmer les populations voisines, ni désarmer celles-ci en les laissant exposées aux brigandages des tribus errantes. Il y a là un enchaînement qui rend l'exécution de la mesure très difficile. Dans certaines contrées de la Palestine le laboureur conduit sa charrue le fusil sur l'épaule. Comment désarmer cet homme sans lui offrir en compensation la garantie d'une police bien faite et d'un pouvoir public bien organisé ? Il en est de même dans toute la Syrie.

L'attention de MM. les Commissaires se porte ensuite sur la situation des familles Chrétiennes restées à Damas et alimentées provisoirement par les secours de l'autorité. Lord Dufferin signale de regrettables irrégularités dans la distribution de ces secours, irrégularités dont Fuad Pacha croit devoir faire retomber la responsabilité sur les Comités Chrétiens chargés de la distribution. Son

Excellence déclare qu'elle avait déjà recommandé au nouveau Gouverneur de Damas, Emin Pacha, un contrôle aussi sévère que possible des opérations confiées à ces Comités.

M. Bécлар présente une liste de 11 Musulmans qui se sont noblement conduits pendant les événements, et qui mériteraient d'être récompensés par le Sultan. Cette liste est appuyée par tous les autres Commissaires, qui se réservent toutefois de signaler à Fuad Pacha, s'il y a lieu, les noms d'autres personnes qui se seraient également distinguées. M. le Commissaire Français croit devoir appeler au contraire les rigueurs trop lentes du Gouvernement de Sa Majesté Impériale sur des individus dont la participation à ces mêmes événements est évidente, et qui sont jusqu'à ce jour restés impunis, notamment tous les Mouktars, ou chefs de quartiers, qui sont demeurés en fonctions et qui ont fait une fortune scandaleuse, en exploitant les Musulmans contre lesquels ils devaient sévir.

Son Excellence Fuad Pacha promet d'avoir égard à cette double recommandation, appuyée unanimement par tous les membres de la Commission.

M. le Commissaire Français renouvelle l'interpellation qu'il a adressée dans la dernière séance à Fuad Pacha par l'intermédiaire d'Abro Efendi, relativement aux sentences rendues par le Tribunal Extraordinaire de Beyrout contre les officiers Ottomans et les Cheiks Druses. M. Bécлар s'attache à bien préciser l'objet de cette interpellation. En ce qui concerne la répression des coupables, le rôle de la Commission et celui du Plénipotentiaire Ottoman ne pourraient être confondus. La Commission doit provoquer le châtiment des coupables, et si le tribunal propose d'appliquer des peines de second ordre à des hommes dont la culpabilité et la haute responsabilité sont reconnues en principe par la Commission, ce n'est pas à la Commission qu'il appartient de rechercher elle-même qu'elles sont les circonstances atténuantes qui ont été prises en considération; c'est au Commissaire Ottoman qu'incombe le soin de les faire connaître. Le texte des sentences ne renferme point à cet égard d'éclaircissements suffisants. Il n'y est fait mention d'aucun fait qui vienne diminuer la responsabilité des officiers Ottomans; elle demeure donc pleine et entière aux yeux de la Commission, qui jusqu'à ce que les preuves à décharge lui soient fournies, se trouve dans l'impossibilité d'exprimer, relativement aux sentences qui lui ont été communiquées, l'avis que Fuad Pacha a bien voulu solliciter de sa part.

Son Excellence le Plénipotentiaire Ottoman répond que le Tribunal Extraordinaire de Beyrout a été par lui mis à même de prononcer ces sentences dans une pleine et entière liberté. Fuad Pacha s'est abstenu de peser en quelque façon que ce fût sur les décisions de ce Tribunal. Il leur donnera force exécutoire par

l'apposition de sa signature, si elles sont conformes à l'intérêt public et à la justice, après avoir toutefois consulté la Commission. Sans, bien entendu, vouloir prendre la défense d'hommes qu'il a fait poursuivre comme criminels, il lui a paru que la différence des peines appliquées aux Cheiks Druses et aux officiers Ottomans avait été, dans la pensée du Tribunal, fondée sur une différence dans le degré de culpabilité et sur le texte même des lois. Aux termes du Code Pénal on ne peut frapper de mort que les auteurs ou les provocateurs de l'assassinat. Or les officiers jugés à Beyrout ne sont ni les auteurs ni les provocateurs des massacres. Ce sont des fonctionnaires qui ont commis une faute très grave, celle de ne pas travailler assez activement au maintien de l'ordre. Ils n'ont pas rempli leurs devoirs. Ils ont péché seulement par impuissance et par ineptie. Voilà pourquoi ils sont punis non point de la peine capitale réservée aux auteurs et aux provocateurs, mais de la détention à perpétuité dans une forteresse.

M. Bécларd objecte que le Muchir Ahmed Pacha n'était ni provocateur ni acteur dans les massacres de Damas, et que cependant il a été justement puni de mort ; à quoi le Commissaire Ottoman objecte qu'Ahmed Pacha est resté dans une inaction complète, tandis que Kourchid Pacha a au moins essayé d'agir. Il n'est pas resté dans son palais ; il a fait quelques efforts, insuffisants à la vérité ; on ne peut donc le considérer comme complice. Il mérite une peine très sévère, non la mort pourtant.

M. de Behfues ne voit qu'une différence dans la conduite d'Ahmed Pacha et dans celle de Kourchid Pacha : c'est que l'un n'a rien fait, tandis que l'autre a seulement fait semblant d'agir. Il n'y a point là de circonstance très atténuante.

M. Novikow, pour éclairer sa conscience, aurait besoin de savoir dans quelle mesure les délégués de l'autorité ont pu ne pas se rendre compte de l'effet déplorable des mesures qu'ils avaient prises. Il est particulièrement difficile de s'expliquer comment Tahir Pacha, qui prétend avoir donné au Commandant de Deir-el-Kamar l'ordre formel de maintenir la sécurité de la ville, a pu quelques jours après devenir lui-même la principale cause des massacres.

M. de Behfues exprime le regret que l'autorité ne se soit pas mise en mesure de saisir chez Tahir Pacha les preuves des communications qui existaient entre lui et les Cheiks Druses.

Lord Dufferin rappelle que 5,000 individus ont été assassinés dans la Montagne en un très court espace de temps. Un événement si épouvantable ne saurait se produire inopinément. Quelqu'un en est responsable. Seulement il peut être difficile, sans un examen approfondi des pièces du procès, de reconnaître à qui appartient cette responsabilité. Lord Dufferin pense que les Commissaires feraient bien de profiter de l'absence de Fuad Pacha pour

se livrer à l'étude des documents qui leur ont été communiqués ; après quoi ils transmettraient à son Excellence une note contenant l'expression de leur opinion collective.

Fuad Pacha trouve en conscience que les officiers Ottomans dont il s'agit sont assez sévèrement punis par la détention à perpétuité dans une forteresse. En présence de jugements qui leur appliquent la peine immédiatement inférieure à la peine de mort, il se rend difficilement compte des questions qui viennent de lui être posées par la Commission. Dans le cours de ce procès, dit-il, on n'a point recherché en faveur des officiers des circonstances atténuantes. La peine que le Tribunal propose de leur infliger est la plus élevée de toutes celles que la loi autorise, et avant de leur en infliger une plus rigoureuse encore, Fuad Pacha avoue à la Commission qu'il se trouverait dans la nécessité d'en référer à Constantinople.

MM. les Commissaires de France et de Russie se déclarent prêts à appuyer la motion de Lord Dufferin, et constatent de nouveau que la Commission, après avoir reconnu à plusieurs reprises que la plus grande part de responsabilité dans les événements pesait sur les fonctionnaires Ottomans, ne peut changer à cet égard d'opinion, sans avoir la preuve bien positive qu'elle s'était trompée.

M. de Weckbecker observe qu'il ne peut outrepasser le mandat qu'il a reçu de son Gouvernement, et que, d'après les instructions qui lui ont été envoyées, il ne se croit pas autorisé à s'ingérer dans les jugements prononcés par les Tribunaux Ottomans. Il peut et doit provoquer la punition des coupables, mais non pas réclamer une aggravation de peines. Selon lui, si ce Tribunal absout un coupable, la Commission a le droit de demander la révision de la sentence, mais si le Tribunal, après avoir reconnu la culpabilité, prononce le plus haut degré même de la peine désignée par la loi, comme c'est précisément le cas dans les 5 sentences dont il s'agit, il lui semble que la Commission doit se contenter de cette sévérité.

Cependant M. de Weckbecker, tout en ne reconnaissant à la Commission dont il fait partie aucune compétence judiciaire, croit qu'elle peut demander de plus amples explications sur les motifs de ces jugements. Dans ces explications la Commission trouvera sans doute de nouvelles lumières sur l'origine et les causes des événements dont elle doit chercher à prévenir le retour, en proposant les bases de la réorganisation future du pays, objet le plus important de la tâche qui lui a été confiée. En conséquence M. le Commissaire d'Autriche adhère à la proposition de Lord Dufferin.

Les 3 Commissaires de France, de Russie, et de Prusse croient devoir réserver expressément pour la Commission Internationale le droit d'exercer dans toute leur étendue les pouvoirs qui lui ont été conférés. Elle doit provoquer la répression, mais ces expressions

veulent dire que non-seulement la Commission doit provoquer la punition des coupables, mais qu'elle a le droit aussi d'en provoquer la juste punition. On ne saurait séparer en pareille matière le degré de la peine elle-même, car alors il suffirait que les principaux criminels fussent condamnés à 8 jours d'arrêt, pour que le procès étant suivi de condamnation, la Commission n'ait pas le droit d'élever la voix. Une telle conséquence prouve jusqu'à l'évidence que l'interprétation particulière et inattendue donnée à l'instruction collective par M. le Commissaire d'Autriche, ne saurait être admise par ses collègues.

M. de Weckbecker ayant toutefois cru pouvoir accepter la motion de Lord Dufferin et chacun des membres de la Commission s'y étant ralliée, il est entendu que MM. les Commissaires, après un examen attentif des pièces du procès, feront connaître à Fuad Pacha, par la remise d'une note collective, leur opinion sur les sentences rendues contre les Cheiks Druses et les officiers Ottomans par le Tribunal Extraordinaire de Beyrout.

La séance est levée à 5 heures.

(Suivent les signatures.)

(18.)—*Protocol of Eighteenth Meeting.*

Beyrout, January 9, 1861.

Le 9 Janvier, 1861, tous les Commissaires, à l'exception de Fuad Pacha, représenté par Abro Efendi, étant réunis à Beyrout sous la présidence de Lord Dufferin, Vice-Président, la séance est ouverte à deux heures et demie. Il est donné lecture du procès-verbal de l'avant-dernière séance (seizième), qui est adopté après quelques légères modifications.

M. le Commissaire Français demande au Délégué de Fuad Pacha des explications touchant un fait qui vient de se produire dans la Montagne. Après quelques scènes de désordre qui avaient eu lieu à Abadié, ce village, compris dans la Caïmacamie Chrétienne, a été occupé par un détachement de troupes Ottomanes, envoyées de Beyrout par Ahmed Pacha. M. Béclard s'étonne qu'une telle mesure, attentatoire aux privilèges de la Montagne, ait été prise sans que les Commissaires en aient même été prévenus. Il ne doute pas que Youssouf Bey Karam n'ait en son pouvoir tous les moyens nécessaires pour maintenir l'ordre. Il tiendrait donc à savoir pourquoi des troupes Ottomanes ont été envoyées à Abadié, si elles y sont encore, et jusqu'à quand elles y resteront. Il réclame sur ces divers points les explications catégoriques dont il a besoin.

Abro Efendi promet de transmettre à son Excellence Fuad Pacha l'interpellation de M. Béclard. Il donne, en attendant, quelques détails sur les circonstances qui ont provoqué la mesure

dont il s'agit. Sur un avis parvenu à l'autorité que deux Chrétiens venaient d'être assassinés, celle-ci ordonna une enquête qui constata qu'un seul était légèrement blessé par un coup de pierre. Quant à l'envoi d'un détachement de troupes à Abadié, il avait été provoqué par les inquiétudes manifestées par le Caïmacam lui-même au sujet d'intrigues et d'un rassemblement de plus de 1,000 Druses, réunis dans les environs de ce village. Le Délégué Ottoman ajoute que le Caïmacam avait envoyé des zaptiés pour opérer la rentrée des fonds arriérés de l'impôt. Ceux-ci, rendus à Abadié, ont commis des extorsions au détriment des Druses, en les obligeant à leur fournir différents objets que Youssouf Bey, informé du fait, n'a pas tardé à faire restituer en partie. Mais dans l'intervalle les Druses, soit à bout de patience, soit pour se soustraire au paiement d'un impôt qui devait les gêner beaucoup dans ce moment, se dispersèrent dans la vallée voisine, ne retournant dans leurs demeures que pendant la nuit. Alors les habitants Chrétiens répandirent l'inquiétude, en s'armant eux-mêmes et en répandant le bruit de cet attroupement. Fuad Pacha, informé de cette nouvelle immédiatement avant son départ, ordonna au Gouverneur-Général d'aller visiter ce village. Rendu sur les lieux, Ahmed Pacha rassembla les habitants, Chrétiens et Druses indistinctement, et après avoir rassuré les uns et exhorté les autres à reprendre leurs travaux, il leur donna l'assurance la plus positive que ni le Gouvernement ni le Caïmacam ne permettront jamais qu'une partie de la population exerce des vexations sur l'autre. C'est pour rassurer de fait tant les Chrétiens que les Druses à cet égard qu'un détachement fut expédié à Abadié, détachement que l'autorité retirera aussitôt que ces inquiétudes auront cessé.

M. Bécларd objecte que de deux choses l'une : ou Youssouf Bey Karam est en mesure de garantir le maintien de l'ordre dans la Caïmacamie Chrétienne, et alors l'occupation d'Abadié demeure sans explication, ou il n'a en son pouvoir que des forces insuffisantes, et alors il y a vivement lieu de regretter que le Plénipotentiaire du Sultan lui ait confié une tâche sans le mettre en mesure de la remplir.

Lord Dufferin voudrait qu'avant de porter un jugement sur le fait de l'occupation, on sût précisément à quoi s'en tenir sur les événements qui s'étaient accomplis à Abadié. Il paraît que Fuad Pacha, ayant envoyé dans ce village, comme partout ailleurs, un agent chargé de se livrer à des perquisitions pour retrouver les objets pillés par les Druses chez les Chrétiens, ces derniers ont jugé à propos de réclamer non-seulement la restitution de ce qui leur avait été pris dans les derniers troubles, mais encore le paiement de vieilles créances, remontant à l'époque de l'occupation Egyptienne. Youssouf Bey Karam aurait alors envoyé pour procéder au recouvrement de ces créances une troupe nombreuse de cavaliers, lesquels,

ayant vécu pendant plusieurs semaines aux dépens des habitants de ce village, ne l'auraient quitté qu'après l'avoir complètement épuisé. Un seul d'entr'eux y était resté, et c'est celui-là qui a été si fort maltraité. Lord Dufferin est porté à croire que l'on trouvera dans ce double fait d'une réclamation inattendue de créances très-anciennes de la part des Chrétiens, et d'une dilapidation de la part des soldats de Youssouf Karam, l'explication de ce qui vient de se passer.

M. Béclard fait observer que Youssouf Karam a puni de peines corporelles très-rigoureuses ceux d'entre ses gens qui s'étaient rendus coupables d'exactions à Abadié.

M. Novikow rappelle que, d'après les règlements existants, un seul point de la Montagne, Beteddin, peut être occupé par les troupes Ottomanes. En conséquence, l'envoi d'un détachement à Abadié, s'il n'a pas eu lieu sur la demande du Caïmacam intérimaire et par suite d'une nécessité réelle, constitue une contravention à des règlements garantis par les Puissances, et qui ne peuvent être modifiés sans leur assentiment.

Abro Efendi répond qu'il n'est nullement dans l'intention de l'autorité de porter une atteinte quelconque à ces règlements, mais qu'il est dans son devoir de rassurer les populations, partout où il est besoin, par un déploiement de force militaire, et de consolider l'autorité du Caïmacam. En ce qui concerne l'objection de M. Béclard que le Gouvernement n'accordait pas une force suffisante à Youssouf Bey, Abro Efendi réplique que le Gouvernement lui a donné une force supérieure à celle dont tous les Caïmacams Chrétiens avait disposé jusqu'ici.

M. de Rehfuës appelle l'attention de la Commission sur la manière dont la mesure de l'arrestation des Druses s'est opérée. Un grand nombre de ceux qui avaient été dénoncés n'ont pas été arrêtés, et les principaux se sont échappés à prix d'argent. On cite le nom d'officiers qui se sont prêtés à ces coupables intrigues.

Abro Efendi proteste énergiquement contre la possibilité d'un tel fait.

M. Béclard partage toutes les craintes de M. de Rehfuës à cet égard. Il aurait fallu, selon lui, prévenir le mouvement général de panique qui s'est produit parmi les Druses, et s'opposer à leur fuite, ainsi que le Général de Beaufort l'a fait si efficacement sur un point.

M. Novikow constate que 500 Druses, inscrits sur les listes, ont pu s'échapper.

Abro Efendi répond que, dans cette masse d'arrestations, il est possible qu'il y ait des individus qui soient parvenus à s'échapper, grâce à l'avertissement qui leur avait été donné par quelques Chrétiens eux-mêmes.

Lord Dufferin ne croit pas que l'on puisse en pareille matière se fier aux rumeurs publiques. Une mesure d'arrestation aussi étendue ne pouvait s'exécuter sans difficulté, et il est naturel que ce soient les plus coupables qui aient pris l'alarme les premiers. M. le Commissaire Britannique saisit cette occasion pour appeler la sollicitude de ses collègues sur l'état de la nation Druse, état qui selon lui n'est plus supportable, et la menace d'une prochaine dissolution.

M. le Commissaire Français regrette que les lenteurs mises à l'exécution des mesures de répression et d'indemnités, déterminent inutilement chez les Druses un malaise qui ne peut servir ni de satisfaction à la justice, ni de réparation aux Chrétiens. Il émet encore une fois le vœu que l'on procède avec rigueur au châtimement exemplaire des principaux coupables, avec promptitude au règlement de la question d'indemnité, et que, ces deux opérations une fois accomplies et la procédure fermée, il y ait entre les Druses et les Maronites une égalité parfaite.

M. Novikow fait remarquer que les deux opérations de la répression et de la réparation ont entre elles une grande affinité, et qu'il serait urgent de les faire marcher de front.

Abro Efendi répond que le refus des Chrétiens de venir déposer devant le Tribunal de Mokhtara, et fournir les preuves de la culpabilité ou au moins de l'identité des individus arrêtés sur leur dénonciation, n'est pas de nature à activer le résultat définitif des mesures prises par son Excellence Fuad Pacha.

Lord Dufferin a la conviction intime que ce refus, dicté aux Chrétiens par leurs Evêques, a été calculé dans l'intention de provoquer de la part de Fuad Pacha la condamnation en bloc des 1,200 individus désignés par eux dans une première liste comme coupables au premier chef.

M. Novikow répond à Lord Dufferin que les Evêques, à l'intermédiaire desquels on a fait appel pour recueillir les dénonciations et les transmettre, une fois cette transmission accomplie, se sont trouvés obligés en conscience de ne pas aller plus loin. M. Bécлар croit savoir que non-seulement ils n'ont pas détourné leurs coreligionnaires de se rendre à l'invitation de Fuad Pacha, mais que plusieurs d'entr'eux les y ont même fortement engagés. Si les Chrétiens s'y sont refusés, c'est que le Tribunal de Mokhtara leur a sans doute inspiré moins de confiance que celui de Beyrout et qu'ayant des doutes sur l'issue de cette procédure, ils ont voulu éviter de s'y compromettre.

M. de Rebvues est d'avis que le nombre restreint des condamnations qui d'après le principe adopté doivent être prononcées, permet à Fuad Pacha de se contenter des dépositions de ceux d'entre les Chrétiens qui ont répondu à son appel.

M. de Weckbecker pense que ce n'est ni dans un sentiment de crainte, ni dans l'hypothèse d'une influence exercée par les Evêques, que l'on peut trouver l'explication de la conduite des Chrétiens dans cette circonstance, mais dans un sentiment particulier aux peuples de ce pays qui ne comprennent encore rien aux formalités de la justice publique. C'est la première fois qu'elle fonctionne devant eux, et qu'on procède ainsi à la répression.

M. le Commissaire Français interpelle Abro Efendi relativement à l'un des premiers actes accomplis par le nouveau Gouverneur de Damas. Emin Pacha, aussitôt son arrivée, a dissous le Conseil Provincial, et provoqué le renouvellement de cette assemblée par un corps électoral qu'il a institué *ad hoc*. Le résultat de cette opération a été d'exclure du Conseil des hommes honorables que Fuad Pacha y avait conservés, et notamment Salih Agha Mohayeni, homme considérable par sa position et son caractère, et qui, pendant les événements, a recueilli chez lui un grand nombre de Chrétiens. Cette exclusion ne peut qu'encourager les tendances déplorables de la population Musulmane de Damas. La responsabilité de l'élection remontant évidemment à Emin Pacha, M. Bédard regrette que Fuad Pacha n'imprime pas au nouveau Gouverneur de Damas une direction plus conforme à ses propres intentions.

Abro Efendi ne possède aucune information sur les faits rapportés par M. Bédard, mais il conteste dès-à-présent à la Commission le droit de critiquer l'autorité locale sur ses actes administratifs, tels que la nomination ou l'exclusion des membres d'un Conseil, exclusivement placé sous sa dépendance. Il fait observer de plus qu'il ne connaît aucun système électoral en Turquie dans les opérations duquel des agents étrangers aient le droit d'exercer une ingérence quelconque. Il ne doute pas d'autre part que le Plénipotentiaire Ottoman ne recommande la personne dont il s'agit à toute bienveillance des autorités de Damas, eu égard à sa conduite louable vis-à-vis des Chrétiens.

M. Novikow remarque qu'en dehors même du fait de l'élection, la Commission a parfaitement le droit de signaler le fâcheux effet que l'exclusion de Mohayeni aura produit sur l'esprit de la population.

M. Bédard pour son compte n'admet pas qu'aucune restriction puisse être apportée à l'exercice des droits dont la Commission est investie. Jusqu'à ce que la Syrie soit réorganisée, Fuad Pacha est armé de pouvoirs sans limites, et la Commission de son côté a sur tous les actes de l'autorité, pendant cette période transitoire, un droit de censure dont M. le Commissaire de France croit devoir user dans cette circonstance.

La séance est levée à quatre heures et trois quarts.

(Suivent les

(19.)—*Protocol of Nineteenth Meeting.**Beirut, January 19, 1861.*

Le Samedi, 29 Janvier, 1861, tous les Commissaires, à l'exception de Fuad Pacha, représenté par Abro Efendi, étant réunis à Beyrout sous la présidence de Lord Dufferin, Vice-Président, la séance est ouverte à deux heures. Les procès-verbaux des deux séances précédentes sont lus et adoptés avec quelques modifications.

Abro Efendi, revenant sur les questions examinées dans la précédente séance, expose ce qui suit :

Les renseignements qu'il a pu recueillir, depuis la séance du 9 Janvier, le mettent en mesure de développer la pensée du Plénipotentiaire Ottoman sur les divers incidents qui ont marqué cette séance.

Il commence par revenir sur la conversation qui a eu lieu dans la précédente séance, avant son ouverture, au sujet du licenciement des garnisons de Hasbeya, Racheya, Deir-el-Kamar, et Damas. Cette mesure n'a pas, dit-il, dès le début de la mission du Haut Commissaire du Sultan, manqué d'occuper son attention, quoique, ainsi qu'il a été dans le cas de le déclarer précédemment, les chefs seuls fussent coupables, et que les officiers subalternes et les simples soldats ne fussent pas individuellement responsables des actes des officiers supérieurs, auxquels ils étaient tenus d'obéir. Aussi les bataillons qui avaient fait partie de ces garnisons ont-ils été dissous, et s'ils n'ont pas pu être immédiatement renvoyés de la Syrie, c'est qu'il a fallu les remplacer par de nouvelles troupes, et réorganiser cette partie de l'armée d'Arabie, dans un moment opportun, et en sorte que le licenciement n'affaiblisse point la force dont dispose le Plénipotentiaire, et qui lui a été jusqu'ici indispensable pour s'occuper de la question fort importante de la pacification du pays qui, dès son arrivée, a occupé plus particulièrement son attention. Mais aujourd'hui le moment de réaliser cette pensée étant arrivé, Fuad Pacha est en correspondance avec le Ministère de la Guerre pour la mise à exécution de la mesure du licenciement.

Quant à la présence d'un détachement de troupes Ottomanes à Abadié qu'on a considéré comme contraire au règlement du Mont Liban, la Commission doit savoir que ce village se trouve dans le district mixte de la Caïmacamie Chrétienne, et qu'il ne peut dans les circonstances actuelles échapper, pas plus que les villages mixtes, à l'action militaire qui seule peut maintenir le bon ordre entre deux populations naturellement hostiles. Abro Efendi cite à cette occasion la présence d'un détachement Français à Hamana, l'envoi de troupes Ottomanes dans tous les districts mixtes pour faire des arrestations. Si l'autorité Ottomane avait porté un changement dans l'organisation de la Caïmacamie, et si elle avait exercé une

ingérence quelconque dans les affaires administratives de cette partie de la Montagne, il y aurait certes alors violation du règlement ; mais rien de pareil n'a eu lieu. L'autorité locale, seule responsable aujourd'hui de la tranquillité du pays, a dû et doit encore prendre toutes les mesures nécessaires pour maintenir le bon ordre, et empêcher notamment tout conflit dans un district composé de Chrétiens et de Druses. Si le conflit, prévenu par l'envoi d'un détachement de troupes à Abadié, était arrivé sans cet envoi, qu'aurait pensé la Commission, et n'aurait-elle pas fait peser la grave responsabilité qui en serait dérivée sur l'autorité locale ? Ainsi c'est dans ce seul but que la mesure a été prise, et provoquée même par l'avis de Youssouf Bey Karam qui s'était empressé de signaler dans ses propres lettres des intrigues et des rassemblements des Druses. Abro Efendi croit avoir dit dans la précédente séance que le détachement de troupes en question serait retiré d'Abadié, dès que les inquiétudes qui se sont produites de part et d'autre dans ce district auraient cessé. Aujourd'hui que ces inquiétudes ont diminué, et que le Caïmacam se croit en mesure de déclarer sous sa responsabilité qu'il n'y a pas lieu de craindre des troubles qu'il saura sans doute prévenir, en s'adressant en cas de nécessité à l'autorité locale pour requérir une force supplémentaire, Abro Efendi déclare que l'autorité Ottomane, ainsi qu'elle en a déjà donné l'ordre, retire elle-même son détachement de troupes, mais il ne cesse de maintenir le droit de cette autorité à occuper, dans les circonstances exceptionnelles que nous traversons, toute partie de la Montagne où la tranquillité lui paraîtrait être compromise. Ce droit ne saurait souffrir aucune contestation du moment où elle est responsable du maintien du bon ordre. Appuyé sur ce droit, le Délégué Ottoman conclut que la Mission Plénipotentiaire ne se croit pas dans l'obligation de demander l'avis de la Commission, toutes les fois qu'il faut agir dans le sens de la conservation de la tranquillité dans le pays.

Abro Efendi revient ensuite sur l'accusation qui a été portée que, lors des dernières arrestations des Druses, 500 coupables ont pu échapper. Tout le monde connaît, dit-il, la promptitude avec laquelle des masses de Druses ont été saisis sans coup férir par les troupes du Sultan. En une seule journée, c'est-à-dire, le 23 Décembre, 949 individus, appartenant à la première et à la deuxième catégorie, ont été arrêtés dans deux cercles dans l'intervalle de quelques heures. La Commission connaît aussi l'entente qui a eu lieu dans cette circonstance entre Fuad Pacha et le Général de Beaufort, au sujet de l'établissement d'une ligne d'observation depuis Kab-Elias jusqu'à Djoubdjenin. Le Délégué Ottoman fait remarquer que personne ne saurait prétendre qu'aucun Druse requis par la justice n'ait échappé à l'action militaire, et que les arrestations en masse,

difficiles dans une ville, sont infiniment plus difficiles sur une montagne comme le Liban. Il renouvelle donc ses protestations contre ce qui a été dit de la conduite tenue par les autorités Ottomanes dans cette affaire, et le seul fait qu'il croit devoir constater, c'est que des Druses en fuite 7 ont été arrêtés par la ligne d'observation du Général, 80 par celle des troupes Ottomanes établies au-delà de Djoubdjenin, et 20 par les détachements placés du côté du Hauran.

D'après les dernières nouvelles qu'Abro Efendi a reçues de Mokhtarrah, la situation dans ce village est celle-ci : Les Chrétiens font preuve d'un mauvais vouloir qui paraît puiser sa source dans une arrière-pensée. Ils s'obstinent à refuser leurs dépositions, en se bornant à déclarer seulement qu'il n'y a pas de Druse qui ne soit coupable, et qu'ils n'ont d'autres dénonciations à faire que celles qui sont portées par le fait même de la confection des listes présentées. Cités à différentes reprises devant le tribunal de la Montagne, ils se sont abstenus de faire des déclarations ou d'indiquer des témoins, soutenant que tout ce qu'ils avaient à dire était borné aux listes. Les exhortations du Plénipotentiaire pour les amener à éclairer la marche de la justice ont été inutiles. Les notables ont demandé l'autorisation de quitter Mokhtarrah, et à l'heure qu'il est, ils doivent être de retour à Beyrout. En présence de ce mauvais vouloir des Chrétiens, il ne reste qu'à établir les différentes catégories des coupables Druses, en prenant pour base les données générales des listes, et les renseignements que le tribunal de Mokhtarrah pourra fournir ou posséder. Le Plénipotentiaire du Sultan, loin de reculer devant une tâche si difficile, ne rentrera à Beyrout qu'après avoir accompli sa mission. Un compte-rendu de ces travaux parviendra au Délégué Ottoman. En attendant, il y a, parmi les prisonniers de Mokhtarrah, 18 individus compris dans la liste des Chefs Druses de Beyrout ; 6 individus condamnés déjà par contumace par le tribunal extraordinaire de cette ville ; et plus de 250 qui figurent sur la liste des notables comme instigateurs, chefs de bandes, et assassins individuellement.

En terminant, Abro Efendi exprime à la Commission le vif plaisir avec lequel le Plénipotentiaire du Sultan donnera, au nom de Sa Majesté Impériale, une marque de satisfaction à chacun de ceux des Musulmans de Damas qui ont bien mérité du pays et de l'humanité, et qui ont été déjà signalés à son attention. Quant à Salih Agha Mouhayeni, le Gouverneur-Général de Damas n'a rien écrit jusqu'ici à l'égard de ce vieillard, qui vient d'être, encore une fois, très vivement recommandé à la bienveillance toute particulière d'Emin Pacha.

Il semble résulter des termes de cette communication que la retraite des troupes d'Abadié n'a été ordonnée que parce que leur

présence n'y était plus jugée nécessaire. M. Béclard ne peut admettre, pour son compte, une telle interprétation des faits. Selon lui, les troupes ont été retirées, parce que leur présence à Abadié était illégale, et en conséquence des protestations qui s'étaient élevées dans le sein même de la Commission à la précédente séance. M. le Commissaire Français verrait plus d'un inconvénient à ce que le caractère de la mesure dont il se déclare d'ailleurs pleinement satisfait, fût dénaturé.

M. Novikow observe que les circonstances invoquées par Abro Efendi, comme justification rétrospective de l'envoi de troupes Ottomanes à Abadié ne sauraient remplir l'objet qu'il s'est proposé. Le village d'Abadié fait, il est vrai, partie des districts mixtes, mais il est situé dans un des districts mixtes de la Caïmacamie Chrétienne où le pouvoir établi par les règlements n'a pas cessé de fonctionner. On ne peut donc le considérer comme étant soumis aux mêmes conditions que les districts mixtes de la Caïmacamie Druse, laquelle est, par suite des circonstances exceptionnelles, administrée par des autorités Ottomanes. En outre, pour que l'occupation du village d'Abadié fût légale, il aurait fallu : 1. Que Youssouf Bey Karam en fît positivement la demande ; 2. Que la nécessité de l'occupation fût bien établie. Or, cette demande n'a pas été faite, et Ahmed Pacha, s'étant rendu à Abadié avant l'occupation, avait pu juger par lui-même que l'intervention des troupes Ottomanes dont il reconnaît aujourd'hui l'inutilité était loin d'être nécessaire.

M. de Rehues est d'avis que la question de légalité a été suffisamment examinée dans la précédente séance, et que l'occupation du village d'Abadié ayant cessé, toute discussion relative à cet incident demeure sans objet.

Lord Dufferin est plus que personne d'avis que le rappel des troupes Ottomanes ayant eu lieu, la discussion n'a plus d'intérêt pratique. Mais en principe, il lui semble très juste de considérer tous les districts mixtes comme soumis aux mêmes conditions, car, dans tous ces districts, les chances de collision sont exactement les mêmes. Ahmed Pacha a pu craindre que les mouvements qui s'étaient produits à Abadié ne dégénérassent en lutte sanglante, et pour ne pas encourir le reproche fait à son prédécesseur il a dû intervenir avec promptitude. La retraite des troupes doit satisfaire aujourd'hui toutes les exigences, mais en principe, M. le Commissaire Britannique ne saurait admettre de son côté que, là où des troupes étrangères peuvent résider à titre d'auxiliaires celles du Souverain, qui constituent la garantie principale du maintien de l'ordre, n'aient pas un droit au moins égal d'occupation.

M. le Commissaire d'Autriche partage l'opinion de Lord Dufferin sur la légalité de la présence des troupes Ottomanes partout où il pourrait y avoir des troupes Françaises ; mais il regrette

que, dans la circonstance dont il s'agit, on n'a pas fait appel en même temps aux troupes de la Turquie et à celles du corps expéditionnaire.

M. le Commissaire Français repousse l'analogie que Lord Dufferin voudrait établir entre des troupes envoyées en Syrie par l'Europe entière pour garantir la sécurité des populations Chrétiennes, sauvegarder leurs privilèges contre toute atteinte, et des troupes dont la seule présence à Abadié était une violation de ces mêmes privilèges. Il fait observer que l'envoi de détachements Français sur certains points des districts mixtes de la Caïmacamie Chrétienne, tels que Zahlé et Hamana, a été motivé par le besoin urgent de porter secours aux habitants, et que, bien loin de provoquer la protestation des autorités et la démission du Caïmacam, leur présence a été bénie par la population.

M. Novikow remarque que l'occupation des districts Chrétiens par les troupes Françaises a eu, dès le principe, un caractère plutôt philanthropique et charitable que militaire. Les soldats étaient employés à la reconstruction des maisons. Leur envoi d'ailleurs dans le Meten et à Zahlé avait eu la sanction préalable et collective de la Commission, qui, ayant à se faire représenter par des délégués dans les Comités de reconstruction des villages Chrétiens, a choisi ces délégués parmi les officiers du corps expéditionnaire.

Sans vouloir rentrer dans la discussion relative à la présence des troupes Françaises en Syrie, dont le caractère est explicitement réglé par une Convention internationale, Abro Efendi soutient que, tant que la responsabilité du maintien de l'ordre dans le Liban incombe à l'autorité Ottomane, cette autorité a le droit incontestable d'envoyer des troupes partout où la tranquillité semble compromise.

M. le Commissaire Français donne lecture d'une lettre de M. le Général Commandant-en-chef du corps expéditionnaire au sujet des habitants de Djezzîn. Selon M. le Général de Beaufort et d'après les renseignements qui lui ont été fournis, il serait urgent de faire droit à la requête que les habitants de Djezzîn viennent d'adresser simultanément à tous les membres de la Commission.

M. de Rehfues appuie la requête des habitants de Djezzîn. Aucun secours ne leur ayant été donné, leur misère, dit-il, est extrême, et la mort a fait parmi eux, dans ces derniers temps, encore plus de victimes que les massacres.

M. Novikow émet le vœu qu'un détachement du corps expéditionnaire soit envoyé dans le Djezzîn, et mis à même de concourir à la reconstruction des maisons détruites.

Abro Efendi fait observer que la nature des plaintes formulées par les habitants de Djezzîn n'est pas précisée, mais il promet de

recommander à Fuad Pacha l'envoi dans ce village d'un de ses aides-de-camp pour faire une enquête sur la véritable situation des plaignants.

M. Béclard communique à la Commission les renseignements qui lui ont été fournis par le Commandant de la station navale Française, touchant la situation de la ville et des environs de Tripoli.

MM. les Commissaires reconnaissent d'un commun accord la nécessité de mesures propres à rétablir la sécurité dans ce pays. Ils signalent particulièrement à l'attention du Gouvernement un certain Ali Bey, ancien Mudir de Merdji Aioun, qui, par sa conduite et son langage, jette la population Chrétienne de son district dans une alarme continuelle.

Abro Efendi déclare que les derniers rapports reçus par le Gouvernement, ne mentionnent aucun des faits communiqués par M. Béclard, sauf ce qui concerne Mehemmed Bey el Mehemmed, contre lequel diverses accusations ont été portées. M. le Délégué Ottoman transmettra toutefois à son Excellence Fuad Pacha les renseignements et observations qui viennent d'être faites touchant la situation de Tripoli et de Merdji Aioun.

La séance est levée à 5 heures.

(Suivent les signatures.)

(20.)—*Protocol of Twentieth Meeting.*

Beyrout, January 24, 1861.

Le 24 Janvier, 1861, tous les Commissaires, à l'exception de Fuad Pacha, représenté par Abro Efendi, étant réunis à Beyrout sous la présidence de Lord Dufferin, Vice-Président, la séance est ouverte à midi et demi.

Abro Efendi expose que les ordres pressants qu'il a reçus de Fuad Pacha dans la matinée l'ont obligé de proposer à la Commission de se réunir aujourd'hui même pour recevoir communication du résultat des opérations du Tribunal de Moktara. Les instructions du Délégué du Plénipotentiaire Ottoman lui enjoignent en outre de demander à la Commission, séance tenante, un avis concluant sur la résolution finale que son Excellence sent la nécessité de prendre dans un bref délai, afin que la répression n'éprouve plus de retard. Le Délégué Ottoman donne ensuite lecture de la dépêche qu'il a reçue de Fuad Pacha dont il demande l'annexion au procès-verbal, et dépose entre les mains de M. le Vice-Président : 1, le texte du Rapport émané du Tribunal de Moktara ; 2, une liste de 290 coupables de la première catégorie, divisée en 3 classes dont la première comprend 20 accusés que le tribunal propose condamner à la peine de mort ; la seconde 57 accusés ; et la troisième 210, sur le sort desquels il n'est pas statué.

Fuad Pacha, dans la lettre dont il a été donné lecture, fait appel aux lumières de la Commission pour savoir quelle serait la limite la plus convenable à apporter à la répression. Il rappelle que Lord Dufferin a proposé, dans une précédente séance, que le chiffre des condamnations à mort prononcées contre les Druses soit inférieur à celui des condamnations du même genre prononcées contre les Damasquins. Si cette proposition est agréée par la Commission, Fuad Pacha pense que le chiffre de 20 condamnations, déjà prononcées par le Tribunal de Moktara, et de 23 par le Tribunal de Beyrout, total 43, sera probablement considéré par la Commission comme suffisant. Toutefois il sollicite de la part de la Commission à ce sujet l'expression d'un avis catégorique.

M. le Commissaire Britannique s'empresse de remarquer qu'en faisant la susdite proposition, il n'avait en vue que les condamnations sommaires du Tribunal de Moktara. Celles qui ont été déjà proposées ou prononcées par contumace par le Tribunal de Beyrout contre les Cheiks Druses, ne devaient pas dans sa pensée entrer en ligne de compte dans la proportion à établir entre les condamnations de Damas et celles de la Montagne.

Après lecture du cahier contenant la liste des 290 accusés et de l'exposé sommaire des charges qui pèsent sur eux, MM. les Commissaires expriment chacun tour à tour leur opinion touchant la question qui leur est soumise.

M. de Weckbecker remarque que la culpabilité du plus grand nombre des 290 accusés de Moktara est loin d'être prouvée rigoureusement, mais qu'il y a de fortes présomptions qu'ils sont tous coupables. Dans l'impossibilité où il semble que l'on soit de les punir tous, M. le Commissaire d'Autriche pense que 30 à 40 condamnations à mort seraient un exemple suffisant.

M. le Commissaire de France déclare qu'il lui en coûte beaucoup d'avoir à émettre une opinion en pareille matière, et surtout dans les circonstances présentes. Selon lui, la Commission avait fait tout ce qu'il était en son pouvoir de faire, en établissant, il y a déjà plus de deux mois, que les jugements des plus coupables d'entre les Druses serait sommaires, et que le Plénipotentiaire Ottoman devait se borner à punir de mort les organisateurs du massacre, les chefs de bandes, et les assassins les plus sanguinaires. En établissant ces 3 catégories de coupables, tous également passibles de la peine capitale, la Commission avait, par ce seul fait et dans une pensée d'humanité, restreint dans de justes limites le châtimement mérité, il faut bien le dire, par la presque totalité des Druses. M. Béclard, pour son compte, avait consenti volontiers à borner ainsi l'œuvre de la justice, mais il ne lui conviendrait, sous aucun rapport, de partager la responsabilité qui incombe toute entière au Plénipotentiaire Ottoman, soit en fixant exactement le chiffre des

condamnations à mort, soit en entrant dans le détail des opérations confiées au Tribunal de Moktara. Son Excellence Fuad Pacha semble aujourd'hui vouloir se départir de cette responsabilité. Il est évident qu'il éprouve de l'embarras à condamner à mort des individus sur lesquels pèsent les plus graves inculpations, mais qui, pour la plupart, échappent par le défaut de preuves à une condamnation en règle. M. le Commissaire Français se rend facilement compte de cet embarras, mais ce n'est pas aujourd'hui que l'avis de la Commission peut aider Fuad Pacha à en sortir. S'il avait été consulté, il y a 4 mois, alors M. le Commissaire Français aurait conseillé à Fuad Pacha de procéder immédiatement aux arrestations, de ne point donner aux principaux coupables le temps de fuir dans le Hauran, de ne point s'aliéner le témoignage des victimes, en leur inspirant confiance par des mesures de réparation sans cesse ajournées. L'avis de la Commission, alors demandé et suivi, eût en effet prévenu des difficultés devant lesquelles Fuad Pacha se trouve arrêté. Toutefois M. le Commissaire de France répondra, dans la mesure de son pouvoir et selon sa conscience, à l'appel qui lui est adressé, ainsi qu'à tous ses collègues. Il a remarqué que, dans la liste des 290 accusés de Moktara, beaucoup d'entre ces individus avaient avoué leur crime. Ceux-là sans exception, selon M. le Commissaire de France, doivent être condamnés, ainsi que ceux contre lesquels pèsent les plus graves accusations, de telle façon pourtant que le chiffre des condamnations à mort prononcées à Moktara ne dépasse pas celui des 80 condamnations prononcées à Damas.

M. de Rehsues ne croit pas que la Commission doive partager en rien la responsabilité qui pèse sur le Plénipotentiaire du Sultan. La Commission a naguère tracé la marche, c'était à Fuad Pacha qu'il appartenait de la suivre. M. le Commissaire de Prusse verrait de l'inconvénient à ce que la Commission fixât aux condamnations à mort un chiffre même approximatif, et se prononçât sur le degré de la culpabilité des prévenus, car la conséquence d'une telle immixtion dans l'œuvre de la justice serait évidemment pour elle un partage de responsabilité. Il croit seulement pouvoir en thèse générale exprimer l'opinion que les individus qui sont coupables d'avoir assassiné des femmes, des prêtres, ou des enfants, méritent la mort.

M. Novikow, après avoir fait remarquer que la demande posée par Fuad Pacha se réduit à une simple question de chiffre, rappelle que la Commission a déjà décliné précédemment toute fixation de ce genre. Elle ne peut pas davantage substituer son action à celle des Tribunaux pour déterminer le degré de culpabilité des prévenus dont la liste vient de lui être communiquée. Elle n'aurait, pour éclairer sa conscience, que des indications vagues et insuffisantes. M. le Commissaire Russe renouvelle donc à son tour toutes

les réserves déjà faites par ses collègues de France et de Prusse ; mais il croit devoir proposer à la Commission l'abandon du principe de l'unité de peine qu'elle avait elle-même posé dans la dixième séance, avant qu'il ne fût question de proportionner le chiffre des condamnations de la Montagne à celui des condamnations capitales prononcées à Damas. Alors il n'était question que des principaux coupables, tous également passibles de la peine capitale. Aujourd'hui la Commission est appelée à se prononcer sur le compte de 290 individus qui, pour la plupart, ne rentrent pas dans les 3 catégories de grands coupables établies par la Commission. En conséquence M. Novikow croit que pour ceux-là il serait juste d'adopter subsidiairement le principe d'une pénalité secondaire.

M. le Commissaire Britannique ne croit pas que l'on doive attacher une grande importance au chiffre des condamnations. Ce qui importe avant tout, c'est qu'un innocent ne soit pas puni comme s'il était coupable, c'est que le crime soit prouvé. Lord Dufferin ne saurait admettre en aucune façon qu'aucun Druse soit condamné si l'on n'a pas la preuve ou la conviction morale de sa culpabilité. Dans la liste qui vient d'être lue, il y a des individus dont la culpabilité est affirmée par cela seul qu'ils passent pour avoir été, par exemple, à Zahlé, ou bien parce qu'ils sont dénoncés comme coupables, ou, plus sommairement encore, parce qu'ils sont derviches ou notables. Une justice rendue sur de tels dispositifs serait tout bonnement ridicule et odieuse, et provoquerait l'indignation du monde civilisé. Lord Dufferin a consenti à ce que la procédure du Tribunal de Moktara fût expéditive, cela est vrai ; mais il n'a pas entendu par là que ce Tribunal se départirait des règles observées mêmes par les cours martiales de l'Europe. En conséquence, M. le Commissaire Britannique serait d'avis que la Commission ne prît aucune résolution susceptible d'engager le Plénipotentiaire Ottoman à punir d'une peine quelconque un individu dont la culpabilité ne serait pas démontrée par des preuves morales ou matérielles bien concluantes.

Abro Efendi déclare que le Plénipotentiaire Ottoman ne recule point devant la responsabilité qui lui incombe et qu'il ne désire faire partager à ses collègues que dans la mesure des lumières qu'ils pourront lui fournir pour éclairer sa marche. Il constate en outre que les débats qui viennent de suivre sa communication n'aboutissent à aucune opinion arrêtée qui puisse être utile au Plénipotentiaire. Ce que le Délégué Ottoman réclame instamment, c'est un avis collectif sur l'objet de sa communication.

En conséquence de cette demande et après en avoir de nouveau délibéré, MM. les Commissaires décident, séance tenante :

" Qu'au point de vue politique, le nombre de 20 condamnations à mort, proposées par le Tribunal de Moktara, n'est pas suffisant."

Tout en adhérant à l'expression de cette pensée collective, Lord Dufferin revient sur la nécessité où il se trouve de dégager sa responsabilité au point de vue judiciaire, et il déclare que dans sa pensée la Commission ne peut, en vue d'un résultat politique, inviter les juges à faire passer dans la première catégorie de coupables des individus dont la culpabilité ne serait pas prouvée.

Il est reconnu ensuite unanimement par la Commission :

“ Qu'il y aurait lieu d'appliquer une peine inférieure, telle que celle de la déportation, à ceux d'entre les 290 individus compris dans la liste de Moktara qui n'auront pas été condamnés à la peine de mort, et dont la culpabilité serait reconnue par le Tribunal.”

Abro Efendi promet de transmettre cet avis collectif au Plénipotentiaire du Sultan, et ajoute qu'aucune charge sérieuse ne pesant sur les 409 accusés de la deuxième catégorie, ils vont être immédiatement mis en liberté.

Abro Efendi, ayant reçu l'ordre de diriger sur Moktara les Chefs Druses dont le procès a eu lieu à Beyrout, demande à la Commission si elle se trouve en mesure d'émettre un avis collectif sur les sentences du Tribunal Extraordinaire de Beyrout. Pour assurer la simultanéité des exécutions, il faudra, dit-il, que ces détenus soient envoyés à la Montagne.

La Commission ayant répondu qu'elle ne se trouve pas encore en mesure d'émettre un avis sur les dossiers, dont la traduction n'est pas achevée, et s'étant ainsi opposée à l'éloignement des prisonniers Druses de Beyrout, le Délégué Ottoman s'empresse de faire remarquer qu'en présence de cette objection le Plénipotentiaire devra surseoir aux exécutions, si le principe de la simultanéité des exécutions est maintenu.

Des opinions diverses ayant été échangées à ce sujet, la Commission croit devoir laisser au Plénipotentiaire Ottoman la latitude de procéder immédiatement aux exécutions des condamnés de Moktara, ou d'y surseoir pour les ordonner simultanément avec celles des condamnés de Beyrout.

M. Novikow appelle l'attention de la Commission sur le Hauran, où la répression, commencée par le Tribunal de Moktara, aurait causé une certaine effervescence. D'après les renseignements qui lui sont parvenus, un Sheik Druse, nommé Abou Abdi, parent mais ennemi d'Ismail Atrach, aurait promis de veiller à la sécurité des Chrétiens du Hauran, à la condition d'être muni d'un sauf-conduit pour aller à Damas. Cet individu est recommandé par Faris Amir et par les Chrétiens eux-mêmes. A ce propos M. Novikow émet de nouveau le vœu que des mesures efficaces et sérieuses soient prises contre le Hauran.

Abro Efendi promet de signaler à l'attention du Haut Commissaire l'individu cité par M. Novikow, et d'informer d'ailleurs son

Excellence, dès ce soir, de la latitude qui lui est laissée relativement au sursis des exécutions. Le Délégué Ottoman ajoute que ce sursis lui paraît inévitable, vu la fermentation des esprits dans la Montagne, et l'inconvénient qu'il y aurait à procéder en deux fois aux exécutions.

La séance est levée à cinq heures et demie.

(Suivent les signatures.)

Annex.—Fuad Pasha to Abre Efendi.

MONSIEUR,

Mokhtarah, le 24 Janvier, 1861.

A MON arrivée à Mokhtara, le Tribunal Extraordinaire que j'avais institué d'office, avait déjà commencé ses travaux, en procédant aux interrogatoires des Druses et autres détenus, au nombre d'environ 800, éroués dans les prisons de ce chef-lieu.

La plupart des accusés s'étant renfermés obstinément dans une complète négation des faits qu'on leur imputait, et ne voulant avouer leur présence durant les événements que dans des endroits où ils étaient allés se battre sans fournir d'autres données sur leurs crimes, l'interrogatoire auquel ils ont été soumis n'a pu amener aucun résultat sérieux. Pour éclairer plus positivement la conscience des juges, et recueillir des renseignements précis et détaillés qui devaient amener une distinction entre les coupables et établir différentes catégories de sentences à rendre, je convoquais les membres Chrétiens des Conseils des Districts et quelques notables pour les inviter à donner les renseignements requis par le Tribunal, que la liste qu'ils m'avaient remise à Beyrout présentait sous un caractère trop général, en ne portant les dénonciations qu'en masse, et en n'en fournissant pas suffisamment contre chaque individu. Lorsque le Tribunal leur demanda de formuler leurs dénonciations sur chaque accusé, ils s'abstinrent de le faire, prétextant que les notables qui se trouvaient à Beyrout étaient plus à même de satisfaire la conscience des juges. En conséquence j'ai renouvelé à ces derniers l'invitation que je leur avais faite avant mon départ de Beyrout de venir à Mokhtara. Après quelques jours d'hésitation qui ont retardé la marche du grand procès de la Montagne, ils arrivèrent ici. Avant leur comparution devant le Tribunal, je les ai reçus moi-même, et je les ai engagés dans les termes les plus encourageants à faire leurs dépositions, en formulant des dénonciations et en fournissant les renseignements qu'ils pouvaient avoir sur les crimes des détenus qui figurent dans la liste qu'ils m'avaient présentée. Ils me répondirent qu'ils avaient déjà fait leurs dénonciations en masse dans la liste susmentionnée; qu'ils n'avaient aucune réclamation à faire contre les particuliers, mais bien contre la masse des Druses; qu'ils se bornaient à soumettre à la justice le contenu de cette liste, et qu'ils refusent de fournir d'autres explications. Interrogés par le

Tribunal sur le même sujet et invités à lui donner au moins les renseignements qu'ils avaient dû recueillir pour leur servir de base à dresser la susdite liste, ils lui tinrent le même langage et évitèrent par des réponses évasives à satisfaire aux demandes du Tribunal qui, voulant éviter tout malentendu, s'est vu obligé de leur adresser des questions par écrit, auxquelles ils ont répondu de la même manière. Ci-joint vous trouverez copie de ces demandes et réponses.

Dans l'espoir de leur faire entendre raison, je les ai réunis de nouveau chez moi, et j'ai tâché de leur donner l'assurance qu'il n'avaient pas à craindre, en faisant ces déclarations, de s'attirer quelque responsabilité vis-à-vis de ceux qui avaient quelques réclamations à faire, puisque nous ne les consultons pas à titre de représentants de la population, mais comme de simples particuliers dignes de confiance et capables de formuler des renseignements sur les accusés dont ils avaient présenté la liste, et que nous n'admettions pas de partie civile dans ces procès, attendu que la société était offensée par les crimes des Druses, et que le Gouvernement Impérial se constituait lui-même partie réclamante. Je leur ai également déclaré que la liste susmentionnée ne présentant pas des données suffisantes sur les crimes des accusés, il était difficile d'établir d'une manière équitable les degrés de culpabilité, et partant le degré de condamnation encourue par chaque individu; que les dénonciations en masse étant portées contre un nombre très-considérable d'individus, elles ne pouvaient pas être entièrement prises en considération, et que ce serait dépasser les bornes de la justice que de frapper d'une même peine les chefs et les subordonnés. Les têtes qui doivent tomber, leur ai-je dit, sont celles des hommes qui, par leur position sociale, ont exercé une funeste influence sur la masse, ou qui, par le nombre et l'atrocité de leurs crimes, ont blessé le plus l'humanité; que de cette manière le nombre des condamnations serait limité à un chiffre que la conscience publique du monde civilisé pût admettre, et que dépasser cette limite serait rendre la justice aussi cruelle que le crime même. Je leur ai aussi expliqué que les condamnations dont nous frapperons les Druses seront d'une nature qui puisse leur servir d'exemple salutaire, mais qu'elles ne doivent et ne peuvent être faites dans un but d'extermination, et que les Chrétiens abandonnant toute idée de vengeance individuelle, doivent se pénétrer de ce sentiment, que dans les punitions nous ne cherchons que le bien de la société.

Les notables Chrétiens ne parurent pas convaincus de ces paroles, et persistèrent dans leur refus; ils proposèrent seulement de recueillir des renseignements et les dénonciations individuelles des Chrétiens contre les Druses, si on leur donnait le temps matériel pour les obtenir. Cette proposition n'a pu être prise en con-

sidération, parce qu'elle changeait la forme du procès que j'avais adoptée d'accord avec la Commission Européenne, et menaçait de retarder à l'infini les jugements que nous voulons rendre aussi sommairement que possible. N'ayant rien pu obtenir par la persuasion, et ayant à peu près perdu une semaine en pourparlers sans résultat, je leur ai accordé, sur leur demande, la permission de s'en retourner chez eux, pour ne pas être taxé de les retenir malgré eux ici pour obtenir des déclarations forcées.

Le Tribunal Extraordinaire, n'ayant donc pu avoir d'autres bases pour se guider dans ses jugements que la liste présentée par les notables Chrétiens assermentés, suivant l'assurance que nous a donnée le clergé, ainsi que les déclarations que les Druses ont faites par devant le Tribunal Extraordinaire de Beyrout et quelques autres données, a dû se servir de ces 3 éléments d'indication pour obtenir les degrés de culpabilité. Il a d'abord classé les détenus en deux catégories générales. La première porte tous ceux que, d'après ces 3 indications, le Tribunal présume être les plus coupables. La seconde renferme les noms des détenus qui sont accusés seulement par la liste des Chrétiens ou arrêtés en dehors de ces listes, sans qu'il y ait d'autres preuves ou indications sur leur culpabilité.

Le Tribunal Extraordinaire de Moktarah m'a remis avec son rapport un Tableau, indiquant pour chaque individu de la première catégorie son nom, le lieu de son domicile, s'il est notable, ainsi que l'accusation portée sur la liste des Chrétiens, l'instruction sommaire de son procès et l'opinion du Tribunal sur sa culpabilité. Pour faciliter la recherche des plus coupables, après avoir placé au premier rang des numéros les noms des individus qui, non-seulement par leur position, mais aussi par la force des indications, se trouvent sous une grande prévention, il en forme encore 3 classes. D'après ces indications la première contient 20 individus, la deuxième 57, et la troisième 210; la seconde est plus coupable que la troisième.

Voilà le résultat quoique imparfait, mais consciencieux des travaux de notre Tribunal Extraordinaire qui, entouré de tant de difficultés, n'a pu obtenir des renseignements pouvant donner des témoignages plus à charge et éclairer la justice. L'instruction qui lui a été donnée de mener sommairement les procès, le refus des Chrétiens de faire des dépositions, la dénégation absolue des crimes par les accusés, et l'impossibilité d'admettre leurs co-religionnaires comme témoins à décharge, ont rendu la tâche de ce Tribunal aussi difficile qu'ardue.

On peut désigner par son travail les individus qui doivent subir la peine capitale, si un nombre est fixé et si tous les inculpés qui se trouvent dans la première ne doivent pas la subir. Je sais d'avance

qu'il répugne à tout le monde de dire qu'il faut exécuter un tel nombre d'individus. On a semblé croire que la justice elle-même pouvait en indiquer le chiffre; mais la nature de la chose même nous force, malgré nous, à prendre une décision pour mettre fin à une situation dont la prolongation est et serait pernicieuse à ceux au nom desquels nous voulons faire justice, et à ceux qui se trouvent sous le coup d'une accusation générale. Il faut donc se prononcer sur la condamnation d'une partie de ceux qui se trouvent, par l'ordre de leur degré de culpabilité, au premier rang des accusés. Si une motion faite au sein de la Commission Européenne par M. le Commissaire de Sa Majesté Britannique était adoptée, le chiffre des exécutions devrait être inférieur à celles de Damas. Comme indépendamment des individus qui ont été fusillés à Damas, le nombre des exécutés appartenant à la classe civile est de 52 individus, dans la prévision que cette proportion serait acceptée par la Commission, un nombre entre 40 et 50 serait le chiffre de ceux que la justice doit frapper de la plus grande sévérité. 11 Druses jugés à Beyrout dont les procès-verbaux rogatoires ont été communiqués à la Commission, ainsi que 6 autres condamnés dont les procès-verbaux rogatoires n'ont pu encore lui être soumis, forment un total de 17 personnes. En y ajoutant 6 individus condamnés par contumace qui sont tombés entre les mains de la justice, ce nombre se trouve réduit aujourd'hui à 27 par suite des 6 arrestations susmentionnées. En ajoutant à ce nombre les 20 individus qui sont indiqués dans la première classe de la première catégorie, le chiffre des condamnations arriverait à 43 individus.

La Mission Impériale ne voulant se montrer ni faible ni cruelle dans l'accomplissement de sa tâche, a cru devoir recourir à l'appui bienveillant de la Commission pour s'éclairer par ses lumières. Elle prendra en considération ses observations pour diminuer ou pour augmenter le nombre des condamnés à mort, et toutes ses remarques sur leur culpabilité. Si l'énormité de leurs crimes exige d'un côté une trop grande sévérité, de l'autre plus de 150 Druses assassinés par les Chrétiens après les événements, et 1,200 individus tués pendant la guerre civile, comme ils le soutiennent, doivent entrer dans la balance de la justice. Aussitôt que j'aurai l'avis de la Commission, je sanctionnerai les rapports des tribunaux, et les condamnés de la Montagne, ainsi que ceux qui se trouvent à Beyrout, seront dirigés pour subir leurs condamnations dans les différentes localités, théâtres de leurs crimes, ou dans les villages auxquels ils appartiennent, pour que leur triste fin serve d'exemple salulaire aux autres.

C'est immédiatement après ces exécutions que l'amnistie, ou pour mieux dire la cessation des poursuites judiciaires, sera promulguée, suivant l'entente qui a eu lieu au sein de la Commission,

[1860-61. LI.]

pour les parties du pays dans lesquelles la justice a eu son cours.

Si la Commission ne se trouve pas satisfaite du degré d'éclaircissements que le tribunal a obtenus, et qu'elle désire voir une instruction plus détaillée, il faut élargir les détenus qui sont de la seconde catégorie, et diriger ceux de la première à Beyrout pour les juger individuellement. La détention prolongée de 800 individus dans une localité comme Mokhtarrah nous paraît de toute impossibilité sous tous les rapports.

En vous envoyant le tableau de la première catégorie avec une liste de tous ceux qui seront condamnés à la peine capitale, ainsi que la liste générale de la deuxième catégorie et le Rapport du Tribunal, je vous prie de les communiquer immédiatement à la Commission, en lui donnant en même temps lecture de la présente, et de me faire savoir sans retard le résultat de ses délibérations.

Agrez, &c.

Abro Efendi.

FUAD.

(21.)—*Protocol of Twenty-first Meeting.*

Beyrout, January 29, 1861.

Le 29th Janvier, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Il est convenu que les procès-verbaux des deux précédentes séances, auxquelles Abro Efendi a pris part, en qualité de Délégué du Commissaire Ottoman, seront lus et adoptés dans une réunion particulière à laquelle Abro Efendi sera prié d'assister.

Fuad Pacha expose à la Commission qu'après avoir reçu son avis sur les condamnations du Tribunal de Mokhtarrah, il a fait élargir les détenus de la seconde catégorie, et n'a retenu en prison que les 290 individus compris dans la première. Il a cru devoir en outre ajourner l'exécution des condamnations déjà prononcées, afin que toutes puissent s'exécuter simultanément. Ces résolutions une fois prises, Fuad Pacha est revenu à Beyrout pour s'entendre de nouveau avec la Commission. L'avis, formulé par elle dans la précédente séance, pourrait être, selon lui, le résultat d'un malentendu, et il pense qu'en réalité le chiffre total des condamnations qu'il a projeté de prononcer contre les Druses, tant à Beyrout qu'à Mokhtarrah, est de nature à remplir le vœu de la Commission. En effet, si l'on ajoute au chiffre des 20 condamnations proposées par le Tribunal de Mokhtarrah, celui des 23 condamnations proposées par le Tribunal de Beyrout, savoir, 11 contre les individus dont les dossiers ont déjà été transmis à la Commission, 6 contre les contumaces récemment arrêtés, et 6 autres dont les dossiers seront prochainement commu-

niquées, on arrive à un total de 43 condamnations contre les Druses, c'est-à-dire, à un chiffre approchant celui des condamnations de Damas que la Commission ne veut pas dépasser, et d'autre part très-supérieur à celui de 20 qu'elle considère comme insuffisant au point de vue politique. Fuad Pacha provoque à ce sujet de nouvelles explications de la part de la Commission, et son Excellence termine, en déclarant que son intention, conforme au deuxième avis exprimé par la Commission, est d'appliquer une peine de second ordre à ceux d'entre les 290 détenus de Mokhtarrah qui ne seront point condamnés à la peine de mort.

M. de Rehfuès s'attache à démontrer qu'il n'y a eu, de la part de la Commission, aucune espèce de malentendu. La Commission n'ignorait nullement que le Tribunal de Beyrout eût proposé déjà la condamnation de 23 Chefs Druses, puisque les sentences prononcées contre ces Chefs ont été soumises à son appréciation, et qu'il en était fait mention dans la lettre même par laquelle Fuad Pacha demandait l'avis de la Commission relativement aux sentences du Tribunal de Mokhtarrah. C'est par rapport à cette seconde catégorie de sentences, et abstraction faite de celles prononcées à Beyrout, que la Commission avait à donner son avis ; elle a distingué dans cet avis ce qui par la nature même des choses devait être distingué. A Beyrout sont détenus les Chefs de la nation Druse, ceux que leur haute responsabilité commande de frapper. A Mokhtarrah se trouvent ou devraient du moins se trouver les agents secondaires qui ont commis les 6,000 assassinats de la Montagne. C'est de ces derniers seulement qu'il était question, et au sujet desquels la Commission avait à se prononcer, et l'expression de son avis n'est certainement point le résultat d'un malentendu.

Lord Dufferin rappelle que la Commission a été unanime à reconnaître avec lui que le chiffre des condamnations à prononcer dans la Montagne ne devait pas dépasser celui des condamnations exécutées à Damas. La raison, dit-il, en est évidente. A Damas les meurtres ont été aussi nombreux que dans la Montagne, et ils n'avaient point été provoqués, tandis que dans la Montagne il devient chaque jour plus clair que les Druses ont été provoqués d'une manière arrêtée d'avance, et que presque partout ce sont les Chrétiens qui ont commencé l'attaque. Jusqu'à présent M. le Commissaire Britannique avait hésité à se prononcer sur ce dernier point d'une façon trop catégorique, mais il ne craint pas aujourd'hui d'affirmer que les Druses ont pris les armes pour se défendre, et qu'à moins d'être des lâches ils devaient le faire. Ceci posé et le châtimement des atrocités dont ils se sont malheureusement rendus coupables pendant la lutte étant admis en principe, il est évident que dans sa mesure ce châtimement ne doit pas être aussi rigoureux que celui des Damasquins, qui ont commis autant de meurtres et autant d'atrocités, sans y avoir été

provoqués par les Chrétiens. M. le Commissaire Britannique est d'avis que, dans la balance des deux répressions, il faut faire entrer en ligne de compte toutes les condamnations, aussi bien celles de Beyrout que celles de Mokhtarah. Il a toujours cru, et les réserves qu'il a faites à ce sujet sont là pour le prouver, que si le chiffre de 20 condamnations prononcées à Mokhtarah ne semblait pas de nature à remplir l'objet qu'on se proposait, cependant il n'appartenait pas à la Commission d'engager un Tribunal à frapper de mort, dans un but purement politique, des individus dont la culpabilité ne serait pas démontrée.

Si en principe, et ainsi qu'il a été admis, la répression des Druses ne doit pas égaler celle infligée aux Damasquins, il semble maintenant à Lord Dufferin que cette répression pourrait sans inconvénient être de beaucoup moins rigoureuse, vu d'une part les souffrances endurées par la nation Druse toute entière, vu d'autre part le grand nombre de meurtres isolés qui ont été commis par les Chrétiens sur les Druses depuis les événements. M. le Commissaire Britannique s'engage à communiquer à ses collègues une liste nominale de 136 hommes, 25 femmes et 15 enfants tués, 63 hommes et 22 femmes blessés, par les Chrétiens. Il rappelle la lettre adressée par lui à Fuad Pacha, lorsqu'arriva la première nouvelle de ces représailles, lettre dont il avait fait connaître le contenu au Général Commandant-en-chef du corps expéditionnaire, et dans laquelle il exprimait l'opinion que, si tout d'abord un exemple n'était pas fait et la tendance des Chrétiens à se rendre justice eux-mêmes n'était pas réprimée dès le début, ces assassinats se multiplieraient. C'est là malheureusement, ajoute Lord Dufferin, ce qui est arrivé, et dans un tel état de choses, eu égard aux circonstances qui ont précédé, comme à celles qui ont suivi la lutte, il est difficile de reconnaître aux Chrétiens le droit d'exiger que les Druses soient frappés d'un châtiment très rigoureux.

Le Commissaire Français, en réponse au discours de Lord Dufferin, fait observer que, si le Commissaire de Sa Majesté Britannique a pu décliné à bon droit la responsabilité des assassinats commis par des Chrétiens, cette responsabilité, Dieu merci, ne retombe sur aucun des autres membres de la Commission. Ce n'est pas à eux en effet qu'on peut reprocher le retard apporté au châtiment des Druses. Si des assassinats ont été commis, qu'on en recherche les auteurs, mais qu'on ne confonde pas quelques actes de vengeance, accomplis par des Chrétiens égarés, pour qui la répression promise a été trop lente à venir, avec l'œuvre de justice que la Commission poursuit de ses vœux.

Quant au chiffre des condamnations capitales auquel le Tribunal Extraordinaire de Mokhtarah s'était provisoirement arrêté, et que la Commission a déclaré insuffisant, M. Bécлар ne pense pas non plus

qu'il ait pu donner lieu à un malentendu. La Commission savait en effet, et le Plénipotentiaire Ottoman lui avait fourni à cet égard toutes les explications désirables, que les 11 jugements déjà rendus à Beyrout contre des Chefs Druses concluaient à la peine de mort ; que 6 contumaces condamnés à la même peine venaient d'être saisis, et que les dossiers relatifs à 6 autres procès criminels également terminés par des condamnations capitales allaient être bientôt soumis à son examen.

Pour atténuer apparemment la culpabilité des Druses et pour leur concilier une indulgence à laquelle ils n'ont aucun droit, on parle aussi de la provocation dont ils auraient été l'objet de la part des Chrétiens. M. Bécлар considère cette allégation comme étant tout au moins imprudente. Aucune preuve ne vient la corroborer, tandis que la dévastation, le pillage et la ruine des villages Chrétiens, tandis que le sang de tant de milliers de victimes parlent assez haut contre les Druses. Il serait difficile aujourd'hui, si l'on se reporte aux assassinats isolés qui de part et d'autre ont précédé les événements de la Montagne, de dire quels ont été les premiers agresseurs. Cette recherche n'aurait d'ailleurs aucun intérêt ; c'est une question de date et rien de plus. Mais ce qui malheureusement est à l'abri de toute contestation, c'est la partialité, pour ne pas dire la connivance, des autorités Ottomanes. Leur protection s'est-elle jamais exercée au profit des Chrétiens ? Quand les soldats Ottomans sont intervenus dans la lutte, est-ce pour aider les Chrétiens à égorger et à piller leurs adversaires ? On a parlé de provocation. A qui cette provocation a-t-elle été en quelque sorte adressée, lorsque la Montagne, dépossédée de son administration unique et Chrétienne, s'est vue soumise au régime des Caïmacamies ? Prétend-on aussi prouver que les massacres de 1842 et 1845 ont été provoqués par les Chrétiens ? Toujours victimes de la fureur des Druses, ne faut-il voir en eux que des provocateurs et par conséquent des coupables ? Leurs malheurs seuls sont prouvés, ainsi que leur résignation. Et si cette résignation leur eût manqué, pourrait-on bien leur imputer à crime d'avoir aspiré à la délivrance ? On sait dans tous les cas ce qu'ils ont obtenu. En demandant justice pour les Chrétiens, en indiquant la proportion dans laquelle cette justice devait s'exercer, la Commission a fait tout ce qu'elle pouvait faire. Un plus long débat devient inutile ; c'est à l'autorité compétente qu'il appartient d'agir et de satisfaire à de légitimes exigences.

Fuad Pacha ne croit pas pouvoir laisser sans réponse deux idées qui viennent d'être émises par M. Bécлар. De l'avis de son Excellence, la séparation de la Montagne en deux Caïmacamies, mesure purement administrative, ne saurait être considérée comme une provocation à l'adresse des Chrétiens. En second lieu, si les agents de l'autorité ont à la vérité dans ces derniers temps mal

rempli leurs devoirs, on ne peut en induire que le Gouvernement a toujours favorisé les Druses et retiré sa protection aux Chrétiens.

M. le Commissaire de Russie est d'avis que, pour arriver à une solution pratique de la question, il n'est pas nécessaire de remonter si haut que viennent de le faire ses collègues de France et d'Angleterre. Il n'y a de guerre civile que là où l'on se bat des deux côtés. Or, malheureusement les Chrétiens ne se sont point battus, et bien loin d'avoir été provocateurs, notamment à Hasbeya, Racheya, et Deir-el-Kamar, ils se sont laissés massacrer presque sans résistance. Les assassinats, ou pour mieux dire les représailles individuelles auxquelles ils se sont livrés depuis les événements, fussent-ils au nombre de 150, ne sont point une satisfaction pour la justice. On ne peut même sans inconvénient les faire entrer en ligne de compte, car un tel calcul conduirait à dire que, sur les 6,000 meurtres commis par les Druses, 5,850 restent sans vengeance.

M. Novikow ne croit pas qu'il y ait d'ailleurs lieu de s'appesantir sur le caractère et les conséquences de la décision administrative adoptée en 1842, mesure qui appartient à une phase historique, placée en dehors des attributions de la Commission. Le principe sur lequel la Commission est déjà tombée d'accord, et d'où elle peut tirer une solution pratique de la question pendante, c'est que le nombre des condamnations à mort dans la Montagne ne dépassera pas celui des condamnations prononcées à Damas. Or, que l'on prenne le chiffre de 20 proposé par le Tribunal de Mokhtarrah, ou celui de 30 à 40, en y ajoutant les condamnations proposées par celui de Beyrout, il y a toujours de la marge, puisqu'il y a eu 80 exécutions à Damas, et de quelque manière qu'il entende le vœu exprimé par la Commission, le Commissaire du Sultan, s'il veut y déférer, doit encore étendre les limites de la répression. Afin pourtant de ne point leur donner une extension trop considérable et pour éviter une trop grande effusion de sang, M. Novikow rappelle qu'il a proposé dans la dernière séance l'application d'une peine secondaire, telle que la déportation, à ceux d'entre les détenus de Mokhtarrah qui ne seraient point condamnés à mort et qui cependant méritaient d'être punis. La Commission s'est unanimement ralliée à cette proposition. En conséquence M. le Commissaire Russe est d'avis que la Commission n'a rien à ajouter aux conclusions qu'elle a déjà prises et qui ont été communiquées à son Excellence.

M. de Weckbecker rappelle que la question avait été posée dans les termes suivants :

“Vingt condamnations à mort sont-elles suffisantes au point de vue politique ?” A cette question la Commission a répondu à l'unanimité négativement. En faisant cette réponse, elle a dû nécessairement supposer que le Tribunal de Mokhtara avait à sa disposition

les moyens de constater le degré de culpabilité des prévenus placés sous sa juridiction.

Fuad Pacha revient à ce propos sur les difficultés de toutes sortes qui ont entravé, et parfois même rendu complètement stériles, les recherches de la justice. A défaut de preuves, il a fallu dans la plupart des cas se contenter d'une simple présomption de culpabilité. Si en théorie il est facile de dire que 20 condamnations ne suffisent pas, il est difficile dans la pratique de recueillir des témoignages sur lesquels pourrait s'appuyer un plus grand nombre de condamnations.

Ce que Lord Dufferin redoute par-dessus tout, c'est que, pour produire un effet purement politique, on ne frappe des innocents. A ses yeux l'intérêt de la justice passe avant celui de la politique. Peu lui importe au fond le nombre des condamnés, pourvu que ce soient des coupables, et que leur crime soit démontré. Si on lui présentait une liste de 100 ou 150 Druses dont la culpabilité serait prouvée par des témoignages bien positifs, il serait le premier à approuver et même à réclamer leur condamnation à mort, sinon leur exécution.

M. Bécларd n'admet pas qu'après de tels événements la justice sociale puisse être frappée d'une sorte d'impuissance. Il s'étonne d'entendre ceux qui sont chargés de punir, et ceux qui ont mission de provoquer la répression, arguer sans cesse du défaut de preuves et de témoignages. Il se peut que les témoignages oculaires fassent souvent défaut, et cela n'a rien que de naturel, puisque les Druses ont massacré impitoyablement tout ce qui n'avait pas fui. Mais dans une telle conjoncture, et quand 6,000 cadavres témoignent d'eux-mêmes, quand il s'agit de rendre, ainsi que la Commission l'a reconnu, une justice prompte et expéditive, le devoir des tribunaux est de se plier aux circonstances et de condamner sur d'autres preuves que celles requises en temps ordinaires.

M. de Weckbecker est d'avis qu'en pareil cas la dénonciation, la voix publique peuvent servir d'indication à la justice.

Fuad Pacha met fin à cet entretien, en déclarant que le principe de la simultanéité des exécutions étant adopté, et la Commission n'ayant pas encore donné son avis sur les condamnations proposées par le Tribunal de Beyrouth, il s'écoulera encore quelque temps d'ici à ce que la répression soit définitivement arrêtée. Il tâchera de mettre ce temps à profit pour recueillir de nouvelles indications sur la culpabilité des 290 individus détenus à Mokhtara. Ces recherches lui permettront peut-être d'augmenter le chiffre des condamnations à mort, et alors une fois l'avis de la Commission, relatif aux sentences du Tribunal de Beyrouth, à lui transmis, il fera procéder simultanément et immédiatement aux exécutions.

M. Bécларd saisit l'occasion qui s'offre à lui pour demander à Fuad Pacha s'il a enfin reçu de Constantinople des instructions

relatives à l'indemnité des Chrétiens de Damas, affaire déjà examinée depuis 3 mois par la Commission.

Le Commissaire Ottoman répond qu'il n'a pas encore reçu de réponse aux demandes pressantes qu'il a adressées à ce sujet à son Gouvernement, mais qu'il ne désespère pas d'en recevoir prochainement.

Lord Dufferin est d'avis que le retard mis par la Porte au règlement de cette question est de sa part une très-grave faute.

M. le Commissaire Français donne connaissance à Fuad Pacha de la copie d'une requête qui a été adressée à son Excellence par 43 habitants notables de Baalbek, et appelle l'attention du Commissaire Ottoman sur la situation alarmante de cette localité.

Fuad Pacha déclare n'avoir pas reçu cette requête, et promet de prendre toutes les mesures qui, après information, auront été reconnues nécessaires pour améliorer la situation de Baalbek.

Au sujet de Djezin les renseignements qu'il a fait recueillir l'ont conduit à penser que l'état des choses n'y était pas aussi désespéré qu'on le disait. La situation des habitants de Djezin est pénible à beaucoup d'égards ; mais elle n'est pas exceptionnellement mauvaise. Il a fait distribuer aux plus nécessiteux des billets sur la remise desquels ils auraient pu recevoir à Mokhtara des objets de literie de première nécessité. A son grand étonnement, pas un ne s'est présenté.

M. le Commissaire Français demande à son Excellence Fuad Pacha s'il a pris des informations touchant le fait signalé dans une précédente séance de 500 Damasquins exilés à Tripoli, et qui, par leurs propos et leur attitude, jettent l'épouvante au sein des populations Chrétiennes.

Fuad Pacha répond qu'il a écrit à ce sujet à Ahmed Pacha. Il n'en a point encore reçu de réponse, mais il croit pouvoir dire que le chiffre de 500 Damasquins lui paraît d'avance très exagéré.

M. Béclard interpelle Fuad Pacha relativement aux incidents de diverse nature qui se sont produits dernièrement dans les environs de Damas.

Fuad Pacha entre à ce sujet dans quelques développements, d'où il résulte que des Bédouins ont pillé un village de Hauran ; que dans un autre village l'annonce de la perception d'un impôt a occasionné des troubles et la fuite des habitants ; que les Druses réfugiés dans le Hauran avaient offert de restituer les objets pillés qu'ils détiennent, pourvu qu'on leur accordât une amnistie en compensation ; que le Gouvernement n'a pas cru pouvoir amnistier des criminels condamnés par contumace à la peine de mort ; que s'ils ont échappé jusqu'à présent au glaive de la justice et trouvé un refuge dans le Hauran, cela tient uniquement à ce que l'autorité ne peut pas, vu le mauvais état de la saison, aller les y poursuivre, mais qu'en

attendant que le moment soit venu de diriger contre eux les forces militaires nécessaires pour les réduire à l'obéissance, il use de ménagements à leur égard, afin d'empêcher qu'ils ne portent le désordre dans les contrées environnantes.

M. Béclard pose la question de savoir, si une expédition dans le Hauran, jugée nécessaire par le Commissaire Ottoman, n'aurait pas pu être tentée par les troupes de la garnison de Damas avant la mauvaise saison.

M. Novikow fait observer que les ménagements dont Fuad Pacha a cru devoir user à l'égard des Druses réfugiés dans le Hauran, ne paraissent pas avoir atteint le résultat qu'il avait en vue, puisque des actes de brigandage se commettent journellement dans cette portion du territoire de l'Empire.

Fuad Pacha répond que ce ne sont pas là des faits exceptionnels, mais qu'ils constituent l'état normal du pays; qu'il peut répondre de la tranquillité dans les villes, mais que dans les campagnes qui sont hors de sa portée, et où il n'a pas les moyens d'action suffisants, il lui est impossible de maintenir dans l'ordre des populations qui ne reconnaissent aucune loi et n'ont jamais été qu'à moitié soumises.

M. Novikow émet l'avis que, sans la réduction du Hauran, il n'y a point de tranquillité à venir possible pour la Syrie.

Lord Dufferin est aussi d'avis que cette mesure est très-urgente.

La séance est levée à cinq heures et demie.

(Suivent les signatures.)

(22.)—*Protocol of Twenty-second Meeting.*

Beyrout, February 27, 1861.

Le Mercredi, 27 Février, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à deux heures et demie.

Le procès-verbal de la dernière séance en date du 29 Janvier, est lu et adopté.

Son Excellence Fuad Pacha fait part à la Commission de diverses informations qu'il a recueillies, touchant les questions qui lui ont été posées au sujet de Baalbek et Tripoli. Il résulte d'une première pièce, signée par les 7 membres du Medjlis de Tripoli, que 33 Damasquins seulement résident dans cette ville. Une lettre, adressée par l'Evêque Grec de Tripoli au Gouverneur, atteste que le Mudir du district du Caïti ne retient dans son harem aucune femme Chrétienne de Damas, comme on l'en avait accusé. En troisième lieu, par une déclaration en règle, les Représentants des Patriarches Grec, Catholique, et Maronite, et des Evêques, ainsi que de plusieurs religieux et laïques notables de Baalbek, déclarent que le Gouverneur

de cette localité, Emin Bey, bien loin d'y commettre des exactions, y procure aux Chrétiens toute la sécurité désirable ; s'emploie avec zèle tant à leur faire restituer les objets qui leur avaient été enlevés, qu'à leur fournir les secours nécessaires pour la culture de leurs terres, le tout conformément aux intentions de son Excellence.

Son Excellence le Commissaire Ottoman informe ensuite la Commission de l'envoi qui lui a été fait des instructions qu'il attendait de son Gouvernement sur la question de l'indemnité due aux Chrétiens de Damas. Le règlement de cette question, dit Fuad Pacha, est impérieusement réclamé par les circonstances ; cependant il est une autre affaire dont la solution est plus urgente encore, c'est celle de la répression et du châtiment à infliger aux individus qui ont participé aux massacres de la Montagne, ou aux fonctionnaires et Chefs Druses qui, par position, en ont été considérés comme responsables. Son Excellence a reçu à ce sujet de MM. les Commissaires de France, de Grande Bretagne, de Prusse, et de Russie, une note collective, contenant l'expression de leur opinion sur les sentences proposées par le Tribunal Extraordinaire de Beyrout (Annexe 1), et de M. le Commissaire d'Autriche une note séparée (Annexe 2), concernant le même objet. En réponse à cette double communication, Fuad Pacha a rédigé un mémoire, dans lequel il expose les motifs qui le déterminent à confirmer les sentences du dit Tribunal.

Après lecture de ce mémoire (Annexe 3), son Excellence le Commissaire du Sultan ajoute que, s'il conclut à l'application d'une peine de second ordre aux fonctionnaires et officiers Ottomans, ce n'est point que ses pouvoirs ne l'autorisent à modifier les sentences, puisque le Tribunal ne les rend, pour ainsi dire, que provisoirement et à titre consultatif ; ni qu'il se sent porté à l'indulgence vis-à-vis des agents de l'autorité, puisque à Damas il n'a pas hésité à frapper de mort un grand nombre d'entr'eux, et nommément Ahmed Pacha, personnage considérable qui avait même autrefois rendu de grands services à l'Empire ; mais c'est parce que sa conscience ne lui permet pas de condamner à la peine capitale des hommes en faveur desquels des circonstances atténuantes peuvent être légitimement invoquées.

M. le Commissaire Français remarque à ce sujet que, dans le mémoire dont il vient d'être donné lecture, on présente, comme circonstance atténuante, ce fait que Kourchid Pacha se serait plaint antérieurement auprès de son Gouvernement de n'avoir point à sa disposition des forces suffisantes pour maintenir l'ordre, et que même, à plus d'une reprise, il aurait offert sa démission. Si en effet de telles démarches, réitérées par l'ex-Gouverneur de Sayda, sont demeurées sans résultat, on est amené à en conclure que sa responsabilité, sans être complètement mise à couvert est au moins

partagée par la Sublime Porte. C'est là une conséquence dont la gravité ne doit certainement pas échapper au Ministre de l'Empereur, et que M. Bécларd éprouverait pour son compte de la répugnance à admettre. Il persiste à croire que Kourchid Pacha avait à sa disposition des moyens suffisants pour maintenir l'ordre, puisque, sur les 3,000 hommes composant l'effectif total des troupes de Syrie, il y en avait 2,000 dans la Province de Sayda. Quant à la démission offerte par Kourchid Pacha, M. Bécларd ne voit pas pourquoi elle serait invoquée comme une circonstance atténuante en sa faveur. Le Gouverneur de Damas lui aussi avait offert sa démission, et cependant il a été puni de mort, comme responsable des événements qui s'étaient accomplis à Damas, pendant qu'il était encore en fonctions. Sous ce rapport, la situation de Kourchid Pacha et celle d'Ahmed Pacha présentent une analogie parfaite et M. le Commissaire de France verrait une sorte d'injustice à ce que le sort de l'un ne fût pas partagé par l'autre. Il fait en outre remarquer que, dans son mémoire, Fuad Pacha accuse les Chrétiens d'avoir été les agresseurs partout, et même sur divers points de la Montagne, où leurs plus dangereux adversaires ne les avaient jamais soupçonnés jusqu'à présent de l'avoir été. Il est vrai qu'une troupe de Chrétiens du Kesrouan a passé le fleuve de Chien, sous la conduite de Tannious Chain, le 29 Mai, et qu'une partie d'entr'eux est allée attaquer le village de Beit-Meri et Baabda. Mais le Commissaire du Sultan ne doit point ignorer que, le 13 Mai, les Druses de Ouaddi-Bitten se sont rassemblés pour arrêter les Chrétiens sur les routes ;

Que, le 15, les Druses de Chouf ont levé l'étendard de guerre et se sont portés vers Djezin, sans que les Chrétiens sortissent même de chez eux pour venir à leur rencontre ;

Que, le 19, deux Cheiks Druses de la famille de Beit-el-Eid, accompagnés de 10 des leurs, ont attaqué les villages de Mazara et de Merjah, désarmé les Chrétiens et pillé des maisons ;

Que, le même jour, les Druses du Menaceb et de Baklin, avec armes et drapeaux, se sont portés sur Deir-el-Kamar, et que, les Chrétiens n'étant pas même venus à leur rencontre, ils ont rebroussé chemin, non sans se livrer au pillage, notamment à Mazara et à Menouf, où ils tuèrent un Chrétien, désarmèrent les autres, et détruisirent un moulin ;

Que, le 27 Mai, les Druses du district de Chenbar, après s'être réunis et avoir pris les armes, se rendirent à Ebay, où ils tuèrent Elias Gantour, et que ceux de Araamoun-el-Garb se sont portés au Mazara d'Eïn-draafil, où ils pillèrent et incendièrent les récoltes ;

Que, le 29 enfin, jour où pour la première fois les Chrétiens, après tant de provocations, donnèrent signe de vie, Melhem-el-Amad, avec les gens du district d'El Arkoub et de Chouf, se précipitèrent sur le village d'Eïn-el-Masjer et à Beitddin-el-Emir, où ils

massacrèrent plusieurs personnes, brûlèrent les récoltes et incendièrent quelques maisons. Il résulte de ces faits et de ces dates dont l'exactitude peut être prouvée, que les Druses ont pris les armes bien avant les Chrétiens; que ces derniers mêmes ont trop longtemps tardé à le faire pour leur salut, et que l'autorité, en ne réprimant point les premiers mouvements des Druses, et en les encourageant par son inaction, demeure entièrement responsable des fatales conséquences de l'insurrection.

M. le Commissaire de France n'admet pas non plus que les conditions administratives particulières auxquelles la Montagne se trouvait soumise, puissent être considérées comme une circonstance atténuante en faveur de Kourchid Pacha. Sans administrer directement la Montagne, il était tenu de maintenir l'ordre, et cette obligation découlait pour lui de ce seul fait, qu'il avait des troupes à Beiteddin et à Deir-el-Kamar.

Fuad Pacha répond qu'il n'a pas eu l'intention de déplacer la question. L'état critique des choses en Roumélie a pu mettre la Porte dans la nécessité de dégarnir la Turquie d'Asie, et dans l'impossibilité de déférer à la demande des Gouverneurs qui, à Damas et à Sayda, réclamaient des renforts de troupes, sans qu'il soit pour cela possible de faire remonter jusqu'à elle l'accusation qui pèse sur les agents de l'autorité Ottomane en Syrie. Kourchid Pacha, bien que réduit à des forces insuffisantes, aurait pu faire un meilleur emploi de celles dont il disposait. Avec plus d'énergie et d'habileté, il eût réussi non pas sans doute à prévenir les événements, ni à les réprimer, mais il aurait au moins mis sa responsabilité à couvert; il ne l'a pas fait. Voilà comment il mérite, pour l'exemple, d'être sévèrement puni. Il avait offert sa démission. Cela ne le dispensait point à coup sûr d'agir, mais cela prouve du moins l'embarras où il se trouvait. Ahmed Pacha avait offert sa démission, mais sa situation, par rapport aux événements de Damas, était toute différente. Il ne prit aucune mesure pour les arrêter, tandis que Kourchid Pacha fit quelques efforts, et donna des ordres qui ne furent point exécutés, ou le furent très mal. Ahmed Pacha n'en avait donné aucun, et cependant les désordres avaient lieu dans la ville même qu'il habitait, sous ses yeux pour ainsi dire, tandis que ceux de la Montagne se produisaient en beaucoup d'endroits à la fois et hors de la présence de Kourchid Pacha.

Après une étude approfondie des pièces de ce procès, tant en ce qui concerne les fonctionnaires et officiers Ottomans, qu'en ce qui concerne les Cheiks Druses, M. le Commissaire Russe est obligé, à son grand regret, de déclarer qu'elles ne lui paraissent pas de nature à établir d'une manière bien positive ni la certitude judiciaire de la culpabilité des accusés, ni la valeur intrinsèque des circonstances atténuantes qui ont été prises en considération par le Tribunal de

Beyrout. Il s'est donc trouvé dans la nécessité de rechercher des éléments de conviction en dehors des pièces qui lui ont été communiquées. N'ayant à donner son avis dans cette affaire ni comme juge, ni comme juré, mais comme agent politique, il doit se borner, aux termes de ses instructions, à déterminer la part de responsabilité qui revient à chacun des coupables et provoquer leur punition. Si comme individus, placés dans telle ou telle position, ayant à lutter contre telle ou telle difficulté, les principaux accusés ont pu invoquer, et Kourchid Pacha tout le premier, des circonstances qui paraissent atténuer leur culpabilité personnelle, il en est autrement de la responsabilité qui pèse sur eux comme délégués du pouvoir, chargés de veiller efficacement au maintien de l'ordre. De deux choses l'une : ou ils sont innocents, et dans ce cas ils doivent être acquittés, ce que le Tribunal lui-même n'a pas admis ; ou bien ils sont coupables, et dans ce cas leur faute les rend passibles d'une peine d'autant plus rigoureuse que les conséquences en ont été plus funestes. Or, il y a eu dans la Montagne une immense effusion de sang qui aurait pu et dû être prévenue par les Représentants de l'autorité.

Le Gouverneur-Général de Sayda a encouru la plus grave responsabilité, comme Chef supérieur de la province. Le Général de Division Tahir Pacha partage cette responsabilité, comme Chef Militaire. De plus, ayant été chargé par Kourchid Pacha de la mission spéciale d'assurer la tranquillité à Deir-el-Kamar, il a rempli cette mission de manière à ce que les résultats en ont été diamétralement opposés au but qu'il s'agissait d'atteindre. Nouri Bey, par une négligence fatale dans l'exécution des ordres, contenus dans le bouyourouldi qui lui traçait sa ligne de conduite, s'est rendu coupable d'un grave délit. La chute de Zahlé, qui a entraîné d'autres malheurs, en a été le résultat.

Quant à Vassif Efendi et à Ahmed Efendi, la voix publique les accuse d'avoir exercé la plus funeste influence sur les déterminations de Kourchid Pacha. Toutefois les réponses qu'ils ont données au Tribunal sont tellement évasives et leurs dénégations si complètes, que, tout en opinant pour une aggravation de leur peine, le Commissaire Russe ne croit pas pouvoir provoquer à leur égard la peine capitale, d'autant plus que, comme subordonnés, il leur est, jusqu'à un certain point, possible de se retrancher derrière la responsabilité de leurs Chefs. Au dire de son Excellence le Commissaire Ottoman, les premiers actes d'agression, même à Racheya et Hasbeya, seraient venus des Chrétiens. Mais ce n'est qu'après 8 jours de calme parfait, et après que les Chrétiens avaient été désarmés par la garnison Ottomane à Hasbeya que l'arrivée d'Aly Amadé y a donné le signal du massacre. Un fait analogue s'est passé à Deir-el-Kamar, où une population inoffensive a été surprise et massacrée, après

quelques jours d'un calme relatif. Peu importerait au fond que les Chrétiens aient été les agresseurs sur quelques points, et s'ils l'ont été, ce qui est bien loin d'être prouvé, si même on peut les accuser de s'être rendus coupables de quelques provocations morales, cette circonstance ne disculperait pas les fonctionnaires Ottomans de n'avoir tenté aucun effort pour réprimer l'insurrection matérielle des Druses, et le châtement qu'ils ont encouru doit être proportionné à l'étendue des désastres qui ont résulté de leur inaction, pour ne pas dire de leur connivence.

En ce qui concerne Kourchid Pacha, Tahir Pacha, et Nouri Bey, son Excellence le Commissaire du Sultan croit devoir répondre que des ordres avaient été adressés par le premier à Tahir Pacha, qui les avait transmis à Nouri Bey et à Abdul Selam, chargés l'un de se rendre à Zahlé et l'autre d'empêcher les troubles à Deir-el-Kamar. Ces ordres ne furent point exécutés ponctuellement à Deir-el-Kamar; ce qui amena la condamnation d'Abdul Selam, comme des autres officiers qui se sont trouvés présents à des massacres dans d'autres localités. Nouri Bey, mal reçu par les habitants de Zahlé, fut dans l'impossibilité d'exécuter son mandat, et cette circonstance constitue évidemment une atténuation de sa faute. Vasyf Efendi et Ahmed Efendi ne peuvent qu'à peine être considérés comme des fonctionnaires, et leur responsabilité s'efface devant celle de leurs Chefs.

Avant d'émettre une opinion sur chacune des sentences soumises à son examen, M. le Commissaire Britannique croit devoir exposer avec précision les principes qui l'ont guidé dans cet examen. D'après ce qui a été convenu entre les Représentants des 5 Puissances et son Excellence Fuad Pacha, la Commission avait le droit d'assister, soit en personne, soit par délégué, aux séances du tribunal, et avant qu'une sentence quelconque fût rendue exécutoire par Fuad Pacha, les Commissaires pouvaient soumettre à son Excellence toutes les observations qu'ils jugeraient nécessaires. Par suite de cet arrangement, les Représentants de l'Europe sont devenus en quelque sorte les assesseurs du Plénipotentiaire Ottoman, et doivent partager avec lui la responsabilité des arrêts qui seront définitivement prononcés. Cette participation leur impose le devoir de se faire non-seulement une conviction sur la culpabilité ou l'innocence absolue, mais même sur le degré de culpabilité de chacun des accusés. L'importance de ce point de vue est d'autant plus sérieuse, qu'il y a, on doit le remarquer, plus de deux parties engagées dans la cause. Les Chrétiens accusent non-seulement les Druses, mais encore les autorités Ottomanes; les Druses à leur tour accusent les Chrétiens, et les autorités Ottomanes accusent les uns les autres. Il est donc du devoir de ceux qui assistent à ce tribunal, au nom de l'Europe, de démêler soigneusement la vérité du

réseau de récriminations qui l'enveloppe, afin de mieux rendre ensuite à chacun ce qui lui appartient.

L'enquête ordonnée par son Excellence pour l'éclaircissement de cette grave question simplifie déjà beaucoup la difficulté. Le tribunal condamne à la peine capitale non-seulement les Chefs Druses qui se sont réfugiés dans le Hauran, mais encore les 11 Chefs qui sont venus volontairement, il y a 5 mois, soumettre leur conduite à l'appréciation de l'autorité. D'autre part, il inflige aux fonctionnaires et officiers Musulmans une peine beaucoup moins sévère. La Commission a donc été d'abord conduite à se demander par quel raisonnement le tribunal est arrivé à faire peser la responsabilité d'une façon si inégale entre les deux parties principales incriminées. Lord Dufferin rappelle qu'à l'exception d'un seul de ses membres, la Commission a été d'avis que ce partage n'était pas équitable. Dans la note qu'ils ont adressée à son Excellence, les 4 Représentants de France, de Grande Bretagne, de Prusse, et de Russie ont déclaré que la responsabilité des fonctionnaires et officiers Ottomans était au moins égale à celle des Chefs Druses les plus coupables. Lord Dufferin n'hésite pas à renouveler cette déclaration et à dire que ce seul fait, que des massacres si abominables ont eu lieu dans l'étendue des territoires placés sous l'autorité de ces fonctionnaires, suffit à établir contre eux, *à priori*, la présomption de leur culpabilité. Ils sont d'avance et par position réputés coupables. C'est donc à eux qu'incombe le soin de se disculper, et si pendant la durée d'une si longue procédure, ils n'ont pas réussi à fournir la preuve certaine de leur innocence, ils sont coupables, et il y a lieu de prononcer contre eux la peine la plus rigoureuse. M. le Commissaire Britannique, n'ayant trouvé ni dans les pièces du procès, ni dans le mémoire que son Excellence vient de communiquer, aucune preuve de leur innocence, ou de l'atténuation de leur faute, persiste dans sa demande, tendante à ce que la sentence du tribunal de Beyrout, concernant Kourchid Pacha, Tahir Pacha, et Nouri Bey, soit révisée dans le sens d'une aggravation de peine. Pour ce dernier, il ne verrait pas d'inconvénient à ce que l'arrêt de mort fût recommandé à la miséricorde du Souverain. Quant à Vasfy Efendi et Ahmed Efendi, il ne croit devoir à leur sujet émettre aucun avis.

La position des Chefs Druses dans le procès est, selon Lord Dufferin, bien différente. Ce n'est point comme représentants de l'autorité, et responsables à ce titre du maintien de l'ordre, qu'ils comparaissent ; c'est comme Chefs et membres éminents de la nation qui est entrée en lutte avec celle des Maronites. Ils ne sont pas d'avance réputés coupables. Ils sont seulement prévenus, et, comme tout prévenu, réputés innocents jusqu'à preuve contraire. Ce n'est point à eux à se disculper. C'est au Ministère Public, et comme dit Lord Dufferin, à la Couronne, qu'incombe la charge de prouver

tout d'abord leur culpabilité. Malgré une position si avantageuse, il y a lieu de remarquer que, tandis que les fonctionnaires Ottomans sont tous plus ou moins condamnés à la prison, il n'y a pas un Druse, parmi les 11 détenus de Beyrout, qui échappe à la peine de mort. Cette uniformité de part et d'autre semble étrange et s'explique d'autant moins que, parmi ces 11 Chefs Druses, les uns sont accusés d'avoir pris personnellement part aux massacres, tandis que d'autres sont en thèse générale accusés seulement d'avoir pris part à la guerre. On est porté à croire que le tribunal de Beyrout a jugé que la nation Druse s'étant rendue coupable d'un grand nombre d'atrocités, il fallait en tirer vengeance, en appliquant uniformément et indifféremment la peine de mort à tous ceux d'entre ses Chefs qui viendraient se remettre entre les mains de l'autorité. S'il en était ainsi, M. le Commissaire Britannique n'hésiterait point à s'élever contre un tel principe. Il croirait devoir, dans tous les cas, protester contre l'application d'un système de pénalité si exceptionnel. Mais l'instruction des procès a mis au grand jour certains faits dont la portée inattendue doit exercer une grande influence sur le jugement définitif de ce conflit.

Lord Dufferin avoue que, lors de son arrivée en Syrie, il était sous l'impression d'un sentiment d'indignation très naturel que lui avait inspiré le récit des atrocités commises par les Druses. Il avait autrefois, à son premier voyage, entendu parler vaguement d'un état de lutte entre les deux races, mais on lui avait laissé ignorer leur énorme disproportion numérique, et il ne savait pas que l'existence même de la nation Druse ou son expulsion de la Montagne étaient, pour ainsi dire, deux questions à l'ordre du jour chez les Chrétiens. Il a appris seulement depuis que sur toute la ligne de démarcation qui sépare le Kesrouan des districts mixtes, une attaque contre les Druses avait été préparée et devait se terminer, telle était du moins l'attente des Maronites, par l'extermination des Druses ou leur expulsion ; que des armes étaient importées en quantité extraordinaire, et des réunions belliqueuses fréquemment tenues dans plusieurs parties de la Montagne ; que le pays était inondé de mandements incendiaires que l'on disait émanés des Chefs spirituels de la nation ; qu'une sorte de Conseil central d'un caractère fort suspect siégeait à Beyrout, et que, selon toute apparence, les Chrétiens des autres rites étaient appelés, sous peine de vengeance ultérieure, à prendre part à la guerre sainte ; que, enfin, non content de la supériorité d'une nation de 150,000 âmes contre une tribu de 35,000, le clergé cherchait à animer le courage de ses ouailles, en leur donnant l'assurance que leurs efforts, quels qu'ils fussent, pour acquérir la possession incontestée du Liban, seraient appuyés par les Puissances de la Chrétienté.

Il n'est guère supposable que de tels desseins, ouvertement

poursuivis et devenus notoires plusieurs mois avant l'événement, demeurèrent ignorés de ceux contre qui ils étaient dirigés. L'insolence et l'ambition de l'une des parties devait naturellement éveiller les instincts féroces de l'autre, et les préparatifs d'attaque commandant les mesures défensives, l'atmosphère se chargea peu à peu et l'explosion devint imminente. Des collisions isolées, provoquées on ne sait par qui, mais remarquables de part et d'autre par une cruauté traditionnelle, furent les avant-coureurs de l'orage qui allait éclater. Des corps d'hommes armés passèrent du Keerouan dans les districts mixtes, laissant sur leur passage l'incendie et le massacre. Les Chrétiens de Zahlé marchèrent au combat, et c'est ainsi que la guerre devint inévitable, après avoir été longtemps imminente.

Dans une telle conjoncture en effet, quel parti les chefs de la nation Druse pouvaient-ils prendre? Demeurer tranquillement chez eux, tandis qu'on pillait et brûlait des villages de leur proches? Une telle conduite eût été aussi insensée que lâche. Les autorités Ottomanes ne paraissant point disposées à intervenir dans l'intérêt du maintien de la paix publique, il ne restait aux Druses qu'à prendre en main leur propre défense. Mais cet acte de bravoure, autorisé, commandé même par la loi naturelle, doit-il être confondu avec ces horribles massacres qui eurent lieu en dehors des limites de la Montagne Druse, en présence des garnisons Ottomanes? Si, par suite du tempérament propre aux peuples montagnards non encore civilisés, et surtout grâce à l'attitude équivoque des soldats Ottomans, d'épouvantables excès ont été commis, dira-t-on que chaque Chef qui, après avoir rassemblé ses vassaux, se prépara à la lutte et même y prit part, doit répondre de toutes les violences que ses gens auront pu commettre, et être confondu avec des incendiaires et des assassins? A Dieu ne plaise! Il est impossible de ne pas établir une distinction fondamentale entre ceux qui ne firent que courir aux armes pour leur propre défense et celle de leur nation, et ceux qui seraient convaincus d'avoir organisé le massacre et trempé leurs mains dans le sang. Lord Dufferin espère que la Commission reconnaîtra avec lui la nécessité de cette distinction, et qu'elle se gardera de frapper, comme des assassins, les hommes qui ont seulement pris part à une guerre dont l'initiative, de l'aveu de tous, revient de droit aux ennemis de la nation Druse.

M. le Commissaire de Prusse regrette vivement d'avoir à dire que, selon lui, l'instruction des procès en question n'a point été conduite avec régularité, et que l'insuffisance, pour ne pas dire la partialité, de cette procédure l'a péniblement frappé. Il y a un grand nombre de témoins dont la déposition était indiquée, rendue nécessaire pour l'éclaircissement de différents points, et qui n'ont pas été entendus. Il est souvent fait mention dans les interrogatoires de pièces, de lettres, de correspondances, qui n'ont pas été

recherchées, ou du moins qui n'ont pas été produites et jointes au dossier. Une confrontation entre les Chefs Druses et quelques-uns des agents de l'autorité Ottomane était nécessaire; elle n'a pas eu lieu.

Toutes ces observations ont conduit M. de Rehfnès à penser qu'une instruction supplémentaire serait utile, et qu'il faudrait même la confier à un jurisconsulte Européen; mais, eu égard aux retards qu'une telle mesure entraînerait et à l'incertitude du résultat final, il ne croit pas devoir insister sur cette idée, quelque juste qu'elle lui paraisse.

Pour arriver à se former une opinion sur ce procès et sur la culpabilité des différents accusés, il a donc dû, lui aussi, chercher en dehors des documents, des éléments de conviction, et il n'hésite pas à déclarer, comme il l'a déjà fait concurremment avec ses collègues de France, de Grande Bretagne, et de Russie, que la responsabilité des fonctionnaires et officiers Ottomans demeure pleine et entière. De quelque côté que vint le signal du désordre et la provocation, avec les forces dont ils disposaient et au péril même de leur vie, les représentants de l'autorité, chargés de veiller au maintien de l'ordre, devaient s'interposer entre les combattants, essayer au moins d'arrêter un mal qu'ils n'avaient pas su prévenir. Ils ne l'ont pas fait. On ne peut citer, on ne cite de leur part aucun effort sérieux. Ils sont donc responsables au premier chef, et méritent de subir les conséquences de leur coupable conduite. Le Gouverneur de Sayda eût-il offert vingt fois sa démission avant les événements, tant qu'il était Gouverneur, il se devait tout entier, sans réserve, aux devoirs de sa position. Il n'y a donc aucune circonstance atténuante qui puisse être invoquée en sa faveur. Tahir Pacha mérite la mort à un égal titre, car il commandait en chef des troupes à Deir-el-Kamar qu'il a livré aux massacres; et Nouri Bey a forfait aux lois de l'honneur, en n'exécutant point l'ordre formel qui lui avait été donné d'occuper Zahlé. Vasfy Efendi a prouvé après les événements, par le meurtre juridique d'un Chrétien, qu'il était capable d'y avoir trempé, et sa part de responsabilité dans les événements est telle qu'il mérite la peine de mort. La sentence rendue contre Ahmed Efendi devrait aussi être révisée dans le sens d'une aggravation.

M. le Commissaire d'Autriche a fait une double étude de cette affaire. Il a examiné les dossiers avec soin, et il a été le témoin des événements. Ces deux études ont tour à tour contribué à faire naître en lui l'opinion qu'il a exprimée dans sa note particulière, savoir, que les désordres qui ont eu lieu dans la Montagne doivent être considérés comme une guerre de peuple à peuple, et que les fonctionnaires et officiers Ottomans ont fait ce qui était en leur pouvoir pour l'empêcher d'éclater.

Dans les districts du nord, dans le Kesrouan, comme dans le Meten et les districts du sud, l'abus des droits féodaux dont les seigneurs ou Mokatadjis étaient en possession, avait soulevé dans les classes inférieures de la population un vif mécontentement. Dans les districts de la partie septentrionale, où les Mokatadjis étaient les coreligionnaires des Fellahs, l'insurrection, quand elle eut lieu, conserva la caractère d'une guerre civile. Dans les districts où les populations Chrétiennes étaient soumises à des Mokatadjis Druses, la difficulté politique et sociale prit naturellement le caractère d'une lutte militaire entre deux nationalités. Au fond, le principe des troubles était le même dans les deux Caïmacamies. Mais, dans le sud, à ce principe il se joignait d'autres circonstances qui aggravèrent singulièrement le mal et amenèrent de véritables désastres. L'organisation des Druses, leur esprit de solidarité, la facilité pour les Chefs de rassembler en un moment autour d'eux leurs vassaux, permirent à cette nation, la moins nombreuse, de se défendre avec succès contre l'autre, et même de remporter facilement sur elle une victoire qui fût souillée par de déplorables excès. M. le Commissaire d'Autriche ajoute que ces atrocités ont soulevé en Europe une douloureuse émotion, et il ne croit pas se tromper en disant que ce n'est point le fait de la guerre lui-même que l'Europe a blâmé, car en Europe il y a aussi des guerres qui coûtent la vie à beaucoup d'hommes. Ce sont les assassinats, c'est l'incendie, le pillage effréné que l'opinion publique a flétris et qu'elle voudrait voir réprimer. Or, dans les pièces du procès des accusés de Beyrout, M. de Weckbecker a vainement cherché la preuve que les accusés, tant Ottomans que Sheikhs Druses, aient été les instigateurs du massacre, ou qu'ils y aient pris personnellement part, sauf deux, Mouhieddin Chibli et Bechir Meri, au sujet desquels il a déjà fait des réserves dans sa note particulière. Il ne peut que persister dans l'opinion générale qu'il a exprimée, savoir, que le tribunal de Beyrout n'a point tenu suffisamment compte, à ses yeux, du caractère qu'il vient d'assigner à la lutte entre Druses et Maronites. Quant aux fonctionnaires et officiers Ottomans, M. de Weckbecker a été à même de constater qu'ils ont, et cela est vrai surtout de Kourchid Pacha, fait appel à tous les moyens qu'ils avaient à leur disposition pour prévenir la guerre civile. Mais les forces matérielles étaient insuffisantes, et leur force morale s'est trouvée impuissante. Kourchid Pacha avait réuni le Corps Consulaire, et lui avait dit : Je n'ai d'influence que sur les Druses et les Musulmans ; vous en avez sur les Chrétiens ; retenez les uns, je retiendrai les autres. Conformément à l'invitation qui lui était adressée par Kourchid Pacha, M. de Weckbecker, en sa qualité de Consul-Général d'Autriche, conjointement avec son collègue M. le Comte Bentivoglio, engagea Monseigneur Tobie, l'Evêque Maronite le plus influent et

le plus populaire, à se rendre dans le Kesrouan pour y faire entendre une parole de paix. L'Evêque se rendit avec empressement à ce conseil. Il s'efforça de calmer les esprits, et adressa peu de jours après aux Consuls des lettres dans lesquelles il exprimait sa reconnaissance pour la démarche sage et bienveillante que le Gouverneur-Général avait faite auprès d'eux, afin de rendre possible la réconciliation des deux parties. Le Commissaire d'Autriche peut présenter cette lettre à la Commission. Malheureusement les efforts de ce prélat demeurèrent impuissants. Les Chrétiens ne voulurent pas se retirer avant que les Druses n'eussent mis bas les armes, et les Druses de leur côté refusèrent de se disperser avant que les Chrétiens ne fussent rentrés chez eux. Ainsi Kourchid Pacha n'a pas réussi à maintenir les Druses, non plus que les Consuls n'avaient réussi à calmer les Chrétiens; néanmoins on peut dire que, eu égard au petit nombre de troupes dont il disposait, il a mis sa responsabilité à couvert par la manière dont il s'est conduit.

M. le Commissaire Français trouve dans les propres paroles que M. de Weckbecker vient de prononcer, la justification d'une motion qu'il a déjà faite dans une réunion particulière des 5 Commissaires, et tendante à ce que les Chefs Druses étant rigoureusement frappés, les coupables vulgaires, détenus et condamnés à mort à Mokhtara, soient après cette condamnation l'objet d'une commutation de peine. L'organisation de la nation Druse à laquelle M. le Commissaire d'Autriche a fait allusion, l'influence énorme, presque absolue, des principaux Chefs sur le reste de la nation, prouvent d'une manière certaine que ce sont eux qui doivent surtout porter la responsabilité des événements, et qu'il n'est point indispensable à l'œuvre de répression que ceux qui n'ont été que des instruments soient punis de la peine de mort. M. Bécлар donne lecture de la note dans laquelle il a développé cette idée, et demande qu'elle soit annexée au procès-verbal (Annexe 4). M. le Commissaire Français rappelle à ce propos que son Excellence Fuad Pacha avait promis à la Commission de faire de nouvelles recherches pour arriver à prononcer un plus grand nombre de condamnations à Mokhtara, conformément au vœu émis par la Commission. Si ces recherches ont amené un résultat, il prie son Excellence de vouloir bien le faire connaître. Il y aurait lieu dans ce cas d'étendre à ces nouveaux condamnés, comme aux 20 premiers, la faveur d'une commutation de peine, mais seulement après que leur condamnation aurait été prononcée et publiée avec solennité. Ce qu'il a en vue, en faisant cette proposition, c'est d'éviter l'effusion du sang, et de favoriser, par cette mesure de clémence, la réconciliation si désirable des Druses avec les Maronites. Il espère que ce double objet sera également pris en considération par tous ses collègues.

Lord Dufferin s'associe au vœu exprimé par M. Bécлар.

Fuad Pacha répond à la question qui vient de lui être posée au sujet des condamnés de Mokhtara. Après de nouvelles investigations, il est arrivé à un chiffre total de 58 condamnations à mort, auxquelles il y aurait lieu d'adjoindre encore quelques individus, récemment arrêtés à Damas, et qui avaient pris part aux désordres de la Montagne. On pourrait appliquer à tous ces gens là le bénéfice d'une commutation de peine.

M. de Rehfues adhère à la proposition de M. Béclard, mais à une condition toutefois ; c'est que cette commutation de peine pour la masse des criminels de Mokhtara n'entraînera point de mesure analogue en faveur des Cheiks détenus à Beyrout.

M. Béclard fait observer que, bien loin d'entraîner cette conséquence, elle l'exclue. On n'épargnerait les coupables d'ordre secondaire que parce que la responsabilité, et par conséquent la peine de premier ordre, pèseraient sur les Chefs. Ces deux idées sont si étroitement liées, à ses yeux, qu'elles ne peuvent être séparées.

M. le Commissaire de Russie s'associe de grand cœur à l'idée de clémence qui a dicté la proposition de M. Béclard, avec cette réserve qu'elle ne puisse être prise par les uns comme un encouragement, ni par les autres comme un déni de justice. Il reconnaît la nécessité de confirmer les sentences des tribunaux contre quelques-uns des Druses les plus coupables ; il voudrait seulement que l'on mît un discernement tout particulier dans leur désignation. M. le Commissaire de France croit devoir provoquer la peine capitale à l'égard de la presque totalité des Chefs Druses condamnés à Beyrout, comme appartenant à la catégorie des Chefs, et il réclame une commutation de peine pour les condamnés de Mokhtara qu'il considère tous comme des assassins obscurs. Cette classification ne paraît pas entièrement exacte. Parmi les condamnés de Mokhtara, il se trouve des membres de la famille Arian, une des plus considérables de l'Anti-Liban, et des chefs de bandes, convaincus d'avoir pris part aux massacres. Par contre, sur les 11 condamnés de Beyrout, il y a des individus de la basse classe, et des chefs de second ordre qui sont seulement convaincus d'avoir parcouru le pays à la tête de leurs bandes les armes à la main, mais sans qu'il soit prouvé que ces bandes aient commis des meurtres. En conséquence M. le Commissaire Russe est d'avis que le principe de la peine de mort à Beyrout, et celui de la commutation à Mokhtara, ne doivent être appliqués ni l'un ni l'autre rigoureusement. Il y aurait lieu peut-être, selon lui, de condamner à des peines graduées quelques détenus de Beyrout, tels que Ellad Talhouk, Essad Amad, Cassim Noked, et l'Emir Cassim Roslan, et à exécuter la condamnation à mort contre ceux d'entre les détenus de Mokhtara qui, appartenant ou non à des familles influentes, seraient convaincus d'avoir conduit des bandes aux massacres. L'amendement proposé par M. le Commissaire Russe à la motion de M. Béclard, ne

soulevant aucune objection, paraît de nature à être adopté. Lord Dufferin fait observer toutefois que la clémence en faveur des condamnés de Mokhtara, convaincus pour la plupart d'assassinat, ne saurait servir à ses yeux de justification à une aggravation de peine contre une autre classe d'accusés dont la culpabilité doit être considérée isolément.

M. le Commissaire d'Autriche appuie la proposition de M. Béclard, relativement aux condamnés de Mokhtara, mais en réservant expressément l'opinion qu'il a formulée dans sa note particulière touchant les 11 accusés de Beyrout. Il considère en général la clémence comme le moyen le plus propre à rétablir l'union entre deux peuples destinés à vivre l'un à côté de l'autre sur un même territoire.

La séance est levée à six heures et demie.

(Suivent les signatures.)

Annexe 1.

Beyrout, le 23 Février, 1861.

LES Soussignés, après avoir pris connaissance des pièces du procès des fonctionnaires Ottomans et des Cheiks Druses détenus à Beyrout, croient devoir se borner à constater que, de ces pièces, il ne résulte aucune circonstance atténuante de nature à établir avec certitude que les fonctionnaires et officiers Ottomans ne sont pas responsables en principe des événements qui ont ensanglanté la Montagne et amené le massacre de 6,000 Chrétiens. Dans la pensée des 4 Commissaires de France, de Grande Bretagne, de Prusse, et de Russie, cette responsabilité continue, ils ont regret à le dire, à peser sur les agents de l'autorité Ottomane au moins autant que sur les plus coupables des Cheiks Druses, et la différence des châtimens infligés aux uns et aux autres ne trouve pas, à leurs yeux, sa justification suffisante dans les pièces du procès soumises à leur examen.

En conséquence les Soussignés ont l'honneur d'inviter son Excellence Fuad Pacha à suppléer, par sa propre initiative et dans le légitime exercice des pleins pouvoirs dont il est muni, en consultant à la fois les inspirations de sa conscience et les nécessités aussi impérieuses qu'urgentes de la justice, à ce qu'il y a d'incomplet dans l'instruction et d'inéquitable dans les sentences du tribunal de Beyrout, et à terminer le plus promptement possible cette œuvre de répression dont les lenteurs ont entravé depuis 6 mois le rétablissement de l'ordre dans le Liban.

L. BECLARD.
DUFFERIN AND CLANEBOYE.
DE REHFUES.
NOVIKOW.

*Annexe 2.**Beyrout, le 23 Février, 1861.*

LE Soussigné a lu avec attention les dossiers que son Excellence Fuad Pacha a soumis à l'examen de la Commission Internationale.

Il voit avec une vive satisfaction que les organes du Gouvernement Impérial à Beyrout ne sont pas complices des atrocités commises envers les Chrétiens du Liban. Ils paraissent au contraire s'être efforcés de réprimer les désordres, et s'ils n'y ont pas réussi, c'est qu'ils n'avaient à leur disposition que des forces militaires insuffisantes, et qu'ils furent promptement débordés par les événements. Le Tribunal Extraordinaire de Beyrout, en proposant de les frapper d'une peine rigoureuse, a eu sans doute en vue un genre de culpabilité que l'examen attentif des pièces du procès ne fait pas apercevoir.

Quant aux Chefs Druses, le Soussigné est d'avis que le Tribunal n'a pas pris suffisamment en considération le caractère particulier de la lutte entre Druses et Chrétiens. Ce n'était pas un acte de rébellion de la part des Cheiks Druses contre l'autorité du Souverain, c'était une guerre civile entre deux populations rivales qui, en se disputant un territoire, se sont défendues ou ont pris l'offensive tour à tour et selon l'occurrence.

La Commission, loin de méconnaître le caractère de la lutte, avait pris soin de le constater, pour ainsi dire, elle-même, en établissant dans sa 10ème séance du 24 Novembre, 1860, 3 catégories de coupables qu'elle jugeait passibles de la peine de mort, savoir :

Les instigateurs des massacres ;

Les chefs des bandes des assassins et des incendiaires ;

Et les assassins les plus sanguinaires, c'est-à-dire, les individus ayant pris une part personnelle aux massacres, sans distinction s'ils sont des chefs de la nation ou de simples administrés.

Or, le Soussigné ne trouve pas que les Druses détenus à Beyrout et condamnés par le Tribunal Extraordinaire de Beyrout, à l'exception peut-être de deux, savoir, Mehjeddin Chibli et Bechir Meri, puissent être compris dans l'une ou l'autre de ces 3 catégories. Il faudrait, selon lui, faire reviser la sentence des autres condamnés contre lesquels les preuves à charge ne lui paraissent pas tout-à-fait convaincantes.

Le Soussigné, &c.

DE WECKBECKER.

*Annexe 3.**Beyrout, le 7 Février, 1861.*

FUAD PACHA a pris en sérieuse considération la communication collective que MM. les Commissaires de la Grande Bretagne, de Prusse, et de Russie, lui ont adressé au sujet du procès des fonctionnaires Ottomans et des autres personnes impliquées dans les pièces de procédure leur avaient été communi-

saires des 4 Puissances, voyant une différence entre les peines auxquelles le Tribunal Extraordinaire de Beyrout condamne les agents de l'autorité Ottomane et les Chefs Druses, et considérant que la responsabilité des premiers dans les événements de la Montagne est aussi grande que la culpabilité des derniers, constatent dans leur opinion la nécessité pour le Plénipotentiaire du Sultan de suppléer, par son initiative et d'après l'inspiration de sa conscience et l'exigence de la justice, à ce qu'il y a d'incomplet dans l'instruction et d'inéquitable dans les sentences de ce Tribunal.

Fuad Pacha, appelé par les pouvoirs que le Sultan son auguste maître lui a confiés, à sanctionner les sentences que les Tribunaux Extraordinaires donneraient, conformément aux dispositions des lois existantes de l'Empire, a cru de son devoir impérieux de laisser une liberté d'action aux Tribunaux qu'il avait institués d'office, et se conformant aux attributions du pouvoir exécutif qu'il représente en Syrie, il s'était abstenu de se constituer soit en défenseur, soit en accusateur à l'égard des individus que la justice poursuivait. Comme la communication de MM. les Commissaires des 4 Puissances invite aujourd'hui le Plénipotentiaire Ottoman à se mettre au-dessus d'un Tribunal, et à rendre un jugement suprême par sa propre initiative, il se trouve dans la nécessité d'exprimer ici les inspirations de sa conscience, d'après lesquelles il doit non pas faire appliquer une sentence, mais rendre, pour ainsi dire, un jugement en dernier ressort.

Il faudra d'abord établir la différence qu'il y a entre les crimes commis dans la ville de Damas, et les événements qui ont ensanglanté la Montagne. Le premier est un soulèvement d'une partie de la population d'une ville contre une autre, sans cause et sans provocation. C'était un crime prévu explicitement par le Code de l'Empire. Une peine sévère fut infligée à cette population, et ceux parmi les fonctionnaires qui n'ont pas su remplir leurs devoirs, en protégeant les sujets de leur Souverain, ont été frappés de la plus sévère punition.

Quant aux événements de la Montagne, ils diffèrent, de l'avis et de l'aveu de tout le monde, dans leur cause et dans leur forme de ceux de la ville de Damas, quoique le caractère de ces événements ne soit pas légalement établi. Les atrocités commises contre les Chrétiens, et le torrent de sang humain qui a été versé, ont produit naturellement une telle émotion que sous son empire on ne voit, pour ainsi dire, que le corps du délit, sans entrer dans la recherche des causes qui ont produit ces méfaits. Mais pour bien éclairer la justice, il aurait fallu du prime abord, et avant d'entrer dans des procès individuels, prescrire la nature et le caractère de ces événements. C'est sous cette inspiration que le Plénipotentiaire Ottoman avait énoncé, lors de l'ouverture de la Commission Européenne,

en répondant aux 4 points qui avaient été soumis à son examen, l'idée que la Commission Européenne doit, comme un Tribunal, juger d'abord non pas les individus dont le jugement appartient à leur autorité légitime, mais les événements dans leur cause et leur forme. Ce procès général et politique aurait fourni au jugement individuel des matières d'éclaircissement, si nécessaires pour le rendre aussi juste qu'impartial.

Le Plénipotentiaire Ottoman ayant été obligé de donner une autre direction à ce procès, c'est-à-dire, d'ordonner des poursuites individuelles, le Tribunal Extraordinaire de Beyrout n'a cherché que les individus auxquels les peines indiquées dans les Articles LVI et LVII du Code Pénal pourraient être appliquées. D'après ces Articles les individus qui sont passibles de la peine capitale sont :

1. Ceux qui organisent et dirigent un complot dans le but de soulever une partie de la population de l'Empire contre l'autre.

2. Ceux qui exercent, dans une bande organisée pour un complot, un commandement.

3. Ceux qui, faisant partie d'une bande armée, commettent des assassinats. Le Tribunal Extraordinaire, conformément au rôle qui lui a été assigné, n'a fait qu'instruire le procès des individus qui ont été accusés de ces 3 degrés de crimes, sans entrer dans aucune considération politique. De cette procédure il a constaté ces crimes sans pouvoir chercher dans leurs causes des circonstances atténuantes ou aggravantes et il a donné sa sentence pour l'application des peines prévues par la loi.

Quant aux agents de l'autorité, aucun indice ne venant constater leur participation aux crimes de ceux qui ont été accusés comme gravement compromis dans ces événements, à 3 degrés de culpabilité cités plus haut, le Tribunal les a condamnés non pas comme coupables de ces mêmes crimes, mais pour avoir manqué aux devoirs qu'ils étaient tenus à remplir comme agents du Gouvernement. C'est à une peine disciplinaire qu'on a dû les condamner, et cette condamnation a été prononcée dans toute la sévérité de la loi par l'application de peines qui viennent immédiatement après la peine capitale et qui comportent la mort civile. Telle est la différence qui existe entre les crimes que les Druses ont commis et la culpabilité des agents de l'autorité ; telle est la graduation des peines qui leur ont été appliquées.

Si l'on cherche aujourd'hui des circonstances atténuantes pour les uns, ou des circonstances aggravantes pour les autres, il faudra faire ce procès des événements que le Plénipotentiaire Ottoman avait en son temps indiqué comme base de cette procédure extraordinaire, et puisqu'on semble demander une aggravation de peine pour les agents de l'autorité, où une explication sur les circonstances atténuantes qui ont engagé le Tribunal Extraordinaire à leur appli-

quer une peine inférieure à celle qui a été appliquée aux Chefs Druses, on devra remonter aux circonstances qui ont entouré la situation des fonctionnaires Ottomans à l'époque où ils exerçaient leurs fonctions. On sait qu'aucun agent de l'autorité locale n'a été compromis dans les événements de la Montagne comme complice ni instigateur, et les accusations ne peuvent être portées que contre leurs actes comme agents du Gouvernement. Aussi est-ce sous le point de vue de leur responsabilité que le degré de leur culpabilité doit être constaté. Dans ce cas deux questions se présentent à l'esprit : avaient-ils tous les moyens de prévenir le mal ? étaient-ils en mesure d'empêcher un conflit entre les deux parties ?

Pour répondre à la première de ces deux questions, il faut se rendre compte de la situation politique dans laquelle se trouvait la Montagne. Les deux populations Maronite et Druse, placées sous un régime exceptionnel, étaient soustraites à l'action directe de l'autorité. Sa voix n'a été entendue nulle part, et une partie de la Montagne s'est mise en opposition directe non-seulement avec le Gouvernement de Beyrouth, mais avec l'autorité même qui régit la Montagne Chrétienne. Une lettre d'un des Chefs de cette partie de la Montagne, dont tout le monde connaît la teneur, prouve jusqu'à quel point l'autorité du Gouvernement a été méconnue. Les Druses, plus soumis en apparence, n'étaient pas en réalité moins désobéissants que les Chrétiens. La Montagne, théâtre de crimes isolés qui restaient toujours impunis, était devenu le refuge non-seulement des malfaiteurs des autres parties de la province, mais même de ceux qui voulaient échapper aux procès ordinaires qu'on leur intentait. Les plaintes, trop souvent répétées, des agents étrangers de déni de justice qui se pratiquaient ici, prouvent d'une manière évidente la situation anormale dans laquelle se trouvait le pays. Les Maronites et les Druses, se considérant chacun appuyé, il est temps de le dire, par des influences étrangères, étaient en opposition plus ou moins manifeste contre l'autorité souveraine qui n'avait aucun moyen d'empêcher les funestes conséquences de cette guerre sourde qui existait entre les deux populations, également mues par leur haine et leurs passions. Fallait-il donner des ordres ou des conseils ? ni les uns ni les autres n'étaient écoutés. Fallait-il employer la force ou la punition ? l'une et l'autre restaient sans effet. Le Kesrouan était devenu depuis longtemps le foyer de cette opposition et d'une grande agitation. L'autorité locale, ne pouvant agir de son chef, avait soumis à la Sublime Porte la nécessité d'exercer une intervention, devenue urgente pour prévenir le mal qu'elle prévoyait ; mais le Gouvernement du Sultan, déjà en butte à tant de récriminations, a préféré plutôt tolérer cette insubordination que d'être taxé de l'idée de frapper les Chrétiens. L'autorité locale, réduite donc au rôle de simple spectatrice, voyait sans pouvoir et sans force venir les

événements, sans avoir les moyens, découlant de la liberté d'action, de les empêcher. Comme Ministre des Affaires Etrangères, Fuad Pacha croit remplir un devoir de loyauté, en constatant ici que Kourchid Pacha, en présence d'une situation si tendue et des grandes difficultés qui l'entouraient, et dont la responsabilité devait peser sur lui, a offert à 3 fois sa démission, que la Sublime Porte n'a pas acceptée.

Après cet exposé sommaire de la situation dans laquelle se trouvait l'autorité locale, on doit convenir qu'il lui était impossible de prévenir un mal dont on veut faire peser sur elle toute la grande responsabilité; on n'est responsable que lorsqu'on a la liberté d'action pour remplir son devoir.

En passant à la question de savoir si l'autorité locale se trouvait en mesure d'empêcher un conflit entre les deux populations, il n'est pas à douter que cette même position qui a empêché l'autorité de prévenir le mal, n'ait paralysé aussi toute son action, lorsque les deux parties adverses en sont venues aux mains. C'est à l'autorité locale qu'était dévolu incontestablement le devoir d'intervenir pour repousser les premiers agresseurs et protéger ceux qui étaient attaqués; mais aurait-elle pu le faire dans la situation où elle se trouvait? Les faits seuls répondront à cette question, et c'est ici qu'on doit préciser le caractère et la nature des événements qui ont ensanglanté la Montagne.

Une enquête minutieuse peut prouver aujourd'hui que les Maronites et les Druses ont été tour à tour agresseurs ou attaqués. Ce sont les Maronites qui se sont soulevés en masse contre les Druses. Il sera prouvé peut-être que ce soulèvement des Chrétiens ne s'est produit que par suite des vexations que les Druses exerçaient sur eux, en commettant sur leurs coreligionnaires des crimes isolés. Le signal de la guerre est donné par les premiers. Une bande armée de Chrétiens était venue la première passer de la Caïmacamie Chrétienne dans celle des Druses. Ce fut le début de cette guerre civile qui a fini par tant de calamités. Les habitants Chrétiens de Djezin attaquèrent les premiers les villages des Druses leurs voisins, mais ayant subi une défaite, ils furent envahis par les Druses, qui commirent les crimes dont ils sont accusés. A Hasbeya et à Rachéya les Chrétiens commencèrent à attaquer les Druses, et ils les chassèrent de leurs maisons. A Sayda même Youssuf Moubéiz, un Chef Chrétien, est allé à la rencontre d'un Chef Druse, nommé Cassim Youssuf, pour se venger des crimes isolés commis de la part des Druses sur les Chrétiens.

Qu'aurait dû faire dans cette circonstance l'autorité locale? Si elle avait empêché les Chrétiens de vive force, elle aurait été encore plus gravement accusée de partialité pour les Druses, considérés aujourd'hui comme provocateurs par leurs vexations. Si au con-

traire elle avait commencé par châtier les Druses, on aurait imputé à l'autorité de la partialité dans un autre sens, vu qu'on aurait considéré ces derniers comme attaqués par les Chrétiens.

Cette situation était embarrassante non-seulement pour l'autorité locale, mais pour le Gouvernement Central même. La Porte, voulant toujours couvrir d'une égale protection ces deux populations et démontrer toute l'impartialité de sa politique, avait donné l'ordre à l'autorité locale de se placer entre les deux parties pour empêcher leur collision et les agressions de part et d'autre, mais en évitant toutefois tout ce qui pourrait donner lieu à une idée de partielle intervention, et c'est seulement lorsque le Gouvernement du Sultan a été surpris par une perpétration d'atrocités sans exemple de la part des Druses qu'il s'est empressé de donner l'ordre de les châtier.

Voilà la position dans laquelle se trouvait l'autorité locale, lorsque cette guerre éclata entre les deux populations, et il faut ajouter une circonstance qui n'est pas moins forte pour servir à la décharge des agents de cette autorité. Depuis deux ans les embarras suscités de la part de la Serbie et du Monténégro, en Bulgarie, en Bosnie, et en Herzégovine, avaient attiré toute l'attention et toutes les forces du Gouvernement vers ces provinces. Obligée de faire une concentration de troupes en Roumélie, la Sublime Porte a été, à son grand regret, forcée de dégarnir la plupart des provinces d'Asie, de sorte que, lorsque les événements éclatèrent, l'effectif de l'armée de la Syrie ne comptait pas plus de 5,000 hommes, et dans la Province de Sayda il ne se trouvait pas plus de 2,000 soldats. C'était cette force, disséminée sur une si grande étendue, qui était appelée à empêcher la guerre civile sur une Montagne dont la configuration a toujours contribué à soutenir l'opposition directe de ses populations contre l'autorité.

Telles sont les considérations qui impliquent en faveur des agents de l'autorité des circonstances atténuant la peine qui est infligée aux coupables de crimes prévus par la loi. Une conduite plus habile et plus énergique de ces agents aurait pu diminuer les charges de leur responsabilité, mais elle n'aurait pas arrêté l'accomplissement de si grands malheurs. L'autorité n'avait ni assez de pouvoir pour les prévenir, ni assez de force pour s'y opposer. Les officiers qui se sont trouvés à Hasbeya, Rachéya, à Deir-el-Kamar, et à Beiteddin, n'ayant pas rempli leurs devoirs, en défendant les Chrétiens qui s'étaient réfugiés sous la protection de leurs armes, ont été jugés et condamnés comme coupables de trahison. Les deux premiers sont déjà exécutés, et les deux derniers subiront immédiatement leur peine.

Le Plénipotentiaire Ottoman, étant désireux plus que personne de finir un moment plutôt cette partie si pénible de sa tâche, espère

qu'une entente qui ne manquera de s'établir entre les membres de la Commission le mettra à même d'achever l'œuvre de justice qui traîne depuis trop longtemps, contrairement à sa volonté.

Annexe 4.—Note Particulière présentée par M. le Commissaire Français.

Le Commissaire Français, après avoir fait une étude attentive des documents communiqués à la Commission par son Excellence Fuad Pacha, déclare que dans son opinion, tandis que les condamnations capitales prononcées contre les Chefs Druses, détenus à Beyrout, sont pleinement motivées et justifiées, rien n'explique au contraire l'indulgence relative dont le Tribunal a fait preuve envers l'ex-Gouverneur Kourchid Pacha, le Général Tahir Pacha, le Colonel Noury Bey, le Kiahia Vasfy Efendi, et l'employé Ahmed Efendi. La responsabilité la plus entière pèse toujours à ses yeux sur les fonctionnaires ou officiers Ottomans dont il vient de citer les noms, et il ne voit pas pourquoi ces derniers, instigateurs ou complices des massacres dont le Liban a été le théâtre, ne seraient pas aussi sévèrement punis que ceux qui ont toléré ou provoqué les mêmes crimes à Damas. Mais, tout en réclamant contre eux une aggravation de peine qui lui paraît d'accord avec les exigences de la justice, le Commissaire Français croit devoir poser à ses collègues la question de savoir si, exercée dans de telles limites, c'est-à-dire, appliquée avec la dernière rigueur aux principaux accusés, tant Musulmans que Druses, la répression, en ce qui constitue son caractère le plus terrible, n'aurait pas atteint pleinement le résultat auquel il était permis de prétendre. Sa conscience qu'il a d'abord interrogée sur ce point, lui dit que l'humanité, pour venger les outrages qu'elle a subis, n'admet pas l'emploi immodéré de ces mêmes armes dont on s'est servi contre elle. D'après ce principe, le sang des plus grands coupables devrait être considéré comme une expiation suffisante. Quant aux autres accusés, si leur conduite est également odieuse, leur responsabilité est moindre. Il y aurait donc lieu de les recommander à la clémence du Plénipotentiaire Ottoman. En agissant ainsi, la Commission ne devrait pas craindre de se mettre en contradiction avec elle-même. Cette contradiction d'ailleurs n'existerait pas. La Commission a pu vouloir, et elle a voulu en effet qu'une flétrissure méritée fût infligée à un nombre plus ou moins grand d'accusés parmi ceux que le Tribunal de Mokhtarah avait classés en diverses catégories ; il lui est certainement loisible aujourd'hui, une fois cette satisfaction obtenue, d'intervenir, au nom de l'Europe civilisée, en faveur d'individus, obscurs pour la plupart, qui n'ont été que les instruments de passions détestables, qu'une différence soit faite entre les assassins qui ont frappé sans discernement et ceux qui, au lieu d'empêcher le mal, l'ont favorisé, soit par

une impulsion déterminante, soit par une lâche inaction. Ceux-ci pouvaient arrêter le bras des assassins : ils l'ont en quelque sorte dirigé. A eux la responsabilité des crimes commis ; aux autres une punition moindre, quoique proportionnée à leurs forfaits, une punition qui, en les séquestrant du reste de la société, leur permette de se purifier par le repentir. Les nécessités inhérentes au rétablissement de l'ordre et de la sécurité dans la Montagne pourraient ainsi se concilier avec les conseils de la clémence.

(23.)—*Protocol of Twenty-third Meeting.*

Beyrout, February 28, 1861.

LE 28 Février, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à midi.

MM. les Commissaires reviennent sur le sujet qu'ils ont traité la veille. Ils l'examinent en détail, et cherchent à établir, chacun tour à tour, selon les lumières qu'ils possèdent, le degré de culpabilité des différents accusés. Après l'exposé développé de toutes les opinions contradictoires, son Excellence le Plénipotentiaire Ottoman résume le débat, et rend compte à la Commission de l'embarras où il se trouve par suite des divergences qui se sont produites dans son sein.

M. de Weckbecker, dit-il, demande que je revise dans le sens d'un acquittement les sentences prononcées par le Tribunal de Beyrout contre les fonctionnaires Ottomans, tandis que les 4 autres Commissaires demandent qu'un châtimement sévère leur soit infligé. Une divergence d'opinion radicale existe d'ailleurs entre ces 4 Commissaires au sujet des Druses ; et même sur le premier point concernant les agents de l'autorité, ils diffèrent d'avis sur le degré de culpabilité, et par conséquent sur le degré de la peine qu'il faut appliquer.

M. le Commissaire de France demande que la peine de mort soit infligée aux 5 fonctionnaires Ottomans incriminés ; M. le Commissaire de Prusse aux 4 premiers ; M. le Commissaire d'Angleterre et celui de Russie à 3 seulement. Encore M. le Commissaire Britannique admet-il que le troisième, Noury Bey, puisse être recommandé à la bienveillance miséricordieuse du Sultan. Lord Dufferin et M. Novikow ne demandent pour le quatrième et le cinquième qu'une aggravation de peine d'un degré.* Sur la première question, relative aux agents de l'autorité Ottomane, Fuad Pacha, s'il veut prendre en considération l'avis exprimé par les Commissaires, se trouve donc en présence d'au moins 3 opinions.

Quant aux Chefs Druses, les avis sont encore plus contradic-

* This is a mistake, I do not require the two subordinates to be imprisoned for life ; I merely confirm the judgment of the Court.— D. and C.

toires. Les Représentants de l'Autriche et de l'Angleterre demandent la révision du procès pour 6 accusés dans le sens de l'acquiescement, une mitigation de peine pour 3, et la confirmation du jugement pour deux seulement, Mouhieddin Chibli et Bechir Meri. M. de Rehfués et M. Béclard demandent la confirmation de toutes les sentences, sauf pour Hussein Talhouk et Ali Said, en faveur desquels ils admettent une commutation de peine. M. Novikow, tenant pour ainsi dire une position intermédiaire, réclame une diminution de peine pour Hussein Talhouk, et s'abstient de se prononcer sur Essad Talhouk, Cassim Nekid, Essad Amed, et Emin Mohammed Cassim Roslan.

Il est clair que toutes ces opinions, également respectables aux yeux de son Excellence le Commissaire Ottoman, ne peuvent être en même temps satisfaisantes. Comme Représentant du pouvoir exécutif du Sultan, il a mission de donner force exécutoire aux sentences rendues par le Tribunal conformément à la loi. Comme membre de la Commission il a le droit de se former une opinion personnelle sur ces sentences. S'il use de ses pleins pouvoirs pour reviser les sentences, il doit rendre compte à son Gouvernement du motif de sa résolution. Il aura obéi à l'inspiration de sa conscience ou bien à une nécessité de l'ordre politique. Or, en ce qui concerne les fonctionnaires Ottomans et Kourchid Pacha notamment, qui, d'après les renseignements fournis dans la séance d'hier par M. de Weckbecker, a fait appel au Corps Consulaire pour réclamer son intervention, nouvelle circonstance évidemment très atténuante, Fuad Pacha déclare que, suivant les inspirations de sa conscience, les accusés sont assez sévèrement punis par la détention à perpétuité, peine dont le retentissement de ce procès et son caractère pour ainsi dire diplomatique assurent la continuité. S'il dit qu'il a, contrairement à sa conscience, frappé de mort des fonctionnaires et des officiers, parce que les Représentants des Puissances étrangères demandaient leur tête, il assumerait à son tour une responsabilité telle, vis-à-vis de son Gouvernement, qu'en aucun cas il ne pourrait prendre cette résolution. En conséquence M. le Commissaire du Sultan ne voit d'autre moyen de trancher la question que de confirmer purement et simplement les sentences, et d'en référer, pour leur exécution, à Constantinople.

M. le Commissaire Français fait observer que, si malgré les instances de la majorité de la Commission, son Excellence ne croit pas devoir user sur-le-champ de ses pleins pouvoirs pour reviser dans le sens d'une aggravation la sentence du Tribunal, en ce qui concerne les officiers et fonctionnaires Ottomans, ses collègues et lui sont obligés de souscrire à cette démarche, et d'accepter les nouvelles lenteurs qu'elle entraîne. Mais par rapport aux Cheiks

Druses la même difficulté n'existe pas, puisque sa tâche se bornerait à confirmer les sentences du Tribunal. M. le Commissaire de France pose à son Excellence la question de savoir si elle ne jugerait pas convenable de procéder immédiatement à leur exécution pour terminer au moins cette partie de la répression.

Son Excellence le Commissaire du Sultan se déclare prêt à obtempérer au désir formulé par M. le Commissaire de France. La pacification du Liban est ce qu'il a le plus à cœur, et il espère y arriver, ainsi qu'on l'a proposé, par l'emploi simultanément de la répression qui corrige et de la clémence qui ramène. Plus heureux à l'égard des Druses qu'à l'égard des fonctionnaires Ottomans, il pourra peut-être donner dans une certaine mesure satisfaction aux opinions divergentes de ses collègues.

Il se propose de ratifier d'abord purement et simplement les sentences rendues tant à Beyrout qu'à Mokhtara ; mais avant de faire procéder aux exécutions, il accordera aux 69 condamnés à mort quelques jours de grâce, pendant lesquels ils seront admis à présenter de nouvelles défenses, et si des circonstances atténuantes, telles que celles indiquées ci-dessus, paraissent devoir être prises en considération, il atténuera ce que les sentences du Tribunal auraient pu avoir de trop rigoureux.

M. le Commissaire Français s'élève contre l'adoption de ce système, et exprime la crainte que l'œuvre de la répression ne soit complètement manquée. Nous avons, dit-il, devant nous 3 catégories d'accusés :

Les fonctionnaires et officiers Ottomans ;

Les Cheiks Druses détenus à Beyrout ;

Et les Druses de rang inférieur détenus à Mokhtarah.

Si le procès des premiers, ainsi qu'il a été dit, est renvoyé à Constantinople, si la sentence des seconds est confirmée, mais non exécutée sur-le-champ et soumise à une sorte de révision déguisée, si enfin la peine des Druses de Mokhtarah est commuée en masse, ainsi qu'il a été convenu, il n'y a plus aucune répression.

Fuad Pacha fait observer que le principe de la répression est admis, et M. de Weckbecker que la répression peut avoir lieu sans la peine de mort. M. Novikow s'associe à la remarque de son collègue de France, et M. de Rehfues exprime la crainte que la répression ne devienne tout-à-fait illusoire. Si après 6 mois d'efforts de la part du Tribunal et d'instances de la part de la Commission, Fuad Pacha admet de nouveaux délais, et contrairement à la sentence du Tribunal accepte le principe des circonstances atténuantes en faveur des Cheiks Druses, la répression disparaît de tous les côtés à la fois : aucune satisfaction éclatante n'est donnée à la justice, le malaise du pays se prolonge, et de nouveaux désordres sont rendus

possibles. M. de Rehfues croit devoir se prémunir contre un tel résultat.

M. le Commissaire Britannique, en se plaçant à un autre point de vue, ne saurait davantage approuver la marche indiquée plus haut par Fuad Pacha. Son Excellence propose de ratifier uniformément toutes les sentences, et de prononcer ensuite, partout où besoin serait, des commutations de peine; ce qui, dans la pensée du Commissaire Ottoman, équivaldrait à une révision du jugement. Lord Dufferin regrette de ne pouvoir accepter cette manière de voir. Il est absolument nécessaire, selon lui, de distinguer entre une révision de sentence et une commutation de peine. La première permet à celui qui est innocent d'échapper à la condamnation, tandis que la seconde ne peut pas empêcher que le condamné n'ait été, pendant un moment, reconnu coupable. Or, il serait souverainement injuste de confondre les Cheiks Druses, détenus à Beyrout, avec les criminels détenus à Mokhtarrah. Ceux-ci, reconnus coupables individuellement, mais à l'égard desquels Lord Dufferin renouvelle les réserves exprimées par lui dans une précédente séance, peuvent être l'objet d'une grâce inspirée par les besoins de la situation politique. Mais ceux-là ne peuvent être condamnés à une peine quelconque par le seul fait qu'ils sont des Chefs, et sans que leur culpabilité ait été bien démontrée.

La divergence d'opinion qui existe entre les différents membres de la Commission, par rapport aux Chefs Druses, se reproduisant de nouveau sur ce terrain, et une conciliation, par voie de discussion, semblant de toute façon impossible, M. le Commissaire d'Autriche émet l'avis que c'est à la source même de ce dissentiment qu'il faudrait remonter pour essayer de le faire disparaître. On diffère sur le principe, c'est-à-dire, sur le bien-fondé des preuves du procès, mais chaque opinion a été conçue de part et d'autre séparément. Chaque Commissaire a examiné individuellement les pièces du procès qui ont été communiquées. Peut-être une lecture collective et l'échange des idées et des appréciations qu'elle suggérerait, seraient-ils de nature à faciliter entre tous une certaine entente.

Lord Dufferin appuie cette proposition, et M. Novikow la considère comme un dernier effort de conciliation qu'il est au moins louable de tenter. M. de Rehfues déclare se rallier à l'avis de la majorité, et M. Bécлар ne point s'opposer à cet expédient. Fuad Pacha propose d'introduire auprès de la Commission deux des membres du Tribunal qui pourront, s'il y a lieu, donner sur-le-champ des explications sur tel ou tel point. Cette seconde proposition est encore adoptée. M. le Commissaire de France demande toutefois la permission de faire observer que la Commission est sur le point de se transformer en cour de justice et de perdre son véritable caractère, celui d'une réunion diplomatique, chargée non pas de juger

les coupables, mais de provoquer seulement leur punition. Cette réserve est admise par tous les Commissaires.

La séance est levée à six heures et demie.

(Suivent les signatures.)

(24.)—*Protocol of Twenty-fourth Meeting.*

Beyrout, March 2, 1861.

Le 2 Mars, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à midi.

Mehemed Ruschid Efendi et Abro Efendi, membres du Tribunal Extraordinaire de Beyrout, sont introduits, et il est donné lecture de l'interrogatoire de Said Bey Jumblat, ainsi que des dépositions faites par les témoins à charge ou à décharge, et de diverses autres pièces jointes au dossier concernant cet accusé. A diverses reprises durant cette lecture, MM. les Commissaires font ressortir soit les lacunes qui se trouvent dans la procédure, soit les preuves qui leur semblent établir la culpabilité de l'accusé ou son innocence.

M. le Commissaire Britannique, après l'audition de cette longue procédure, ne veut pas prétendre que Said Bey Djumblat s'est conduit en héros, et qu'il a tenté ce qu' Abd-el-Kader n'a craint de faire à Damas. Mais ceci posé, il y a lieu de remarquer la faiblesse de toutes les preuves sur lesquelles le Tribunal appuie sa condamnation. Ce ne sont guère que des présomptions, et il est au moins étrange que si l'accusé a participé aux désordres de la Montagne, un Tribunal évidemment peu disposé à la bienveillance à son égard, n'ait pas pu recueillir en 6 mois une preuve certaine et autre chose que des accusations vagues des Chrétiens, c'est-à-dire, d'hommes tirés du camp opposé à sa nation. Il y a un fait qui résulte du procès avec évidence, c'est qu'au milieu d'une conflagration générale, où chacun devait suivre le parti de sa nationalité, Said Bey, bien loin de pousser à la lutte, s'est efforcé de rester neutre et d'observer une attitude très réservée. Lord Dufferin fait observer en outre que la duplicité des populations de ce pays étant peu commune, et l'époque où les témoignages furent entendus étant signalée par une grande surexcitation, il n'y a pas lieu, selon lui, d'attacher une importance décisive aux dépositions des témoins à charge. Mais au contraire, le seul fait que plusieurs Chrétiens ont, à une pareille époque, déposé en sa faveur, est une des circonstances qui selon Lord Dufferin commande de réviser la sentence du Tribunal de Beyrout. Pour ces diverses raisons, sa Seigneurie croit devoir persister dans l'opinion qu'elle a déjà émise à ce sujet.

M. de Weckbecker trouve que, par sa nationalité, Said Bey Djumblat était fatalement placé dans le camp opposé aux Chrétiens. Comme Mokatajji et homme influent, il a fait des efforts pour em-

pêcher la guerre, et une première fois il y a réussi ; s'il a été moins heureux la seconde fois, on doit lui savoir gré d'avoir encore osé recueillir chez lui un grand nombre de Chrétiens et les sauver, en bravant l'impopularité qui l'a un moment atteint. Il n'est nullement prouvé qu'il ait été instigateur à Hasbeya, ni complice à Deir-el-Kamar.

M. le Commissaire Français regrette que, malgré la recherche des circonstances atténuantes, à laquelle il vient de se livrer en faveur de Said Bey Djumblat, il ne puisse changer de conviction à son égard. En principe, la responsabilité de ces événements pèse sur les agents de l'autorité Ottomane ; la responsabilité immédiate pèse sur les Chefs Druses influents : or, Said Bey était le plus influent de tous, et rien certainement n'aurait pu se faire dans la Montagne sans son consentement. La morale publique exige une réparation. La seule circonstance qui put paraître favorable à l'accusé c'est le secours qu'il a prêté à des Chrétiens, le refuge qu'il leur a donné. Mais d'autre part, la contrainte par laquelle il exige d'eux des certificats rend ce fait même très suspect, et permet de lui supposer une arrière-pensée. L'organisation sociale des Druses, où rien ne se fait sans l'aveu des Chefs, suffirait à prouver sa participation, au moins morale, dans les événements. A défaut d'un grand nombre de coupables et pour l'exemple, c'est parmi les Chefs les plus élevés que la justice doit frapper. M. Bécларd ne peut donc modifier en rien l'opinion qu'il a émise précédemment au sujet de l'accusé, et il se borne à demander la confirmation pure et simple de la sentence du Tribunal.

M. le Commissaire Prussien, après la lecture de ce long interrogatoire, demeure convaincu que Said Bey Djumblat est le principal instigateur de la lutte qui a ensanglanté le Liban. Plus fin, plus rusé que les autres, plus puissant aussi, il a pu cacher son jeu et s'assurer d'avance des certificats de bonne conduite, écrire des lettres qui présentent aujourd'hui son attitude sous un jour favorable ; mais ces preuves, arrangées à l'avance, sont amplement contrebalancées par l'ensemble des témoignages et de l'instruction du procès. M. le Commissaire de Prusse reclame donc la confirmation du jugement qui condamne Said Bey à la peine de mort.

M. le Commissaire Russe, ayant à donner son opinion définitive sur un aussi grave sujet, croit devoir la motiver en entrant dans quelques détails. Il avait déjà dit précédemment, et la lecture qui vient d'être faite en commun prouve la justesse de cette impression, que le dossier du procès de Said Bey Djumblat, bien que le plus volumineux de tous, était cependant insuffisant pour établir une certitude judiciaire complète sur le rôle qu'il a joué dans les événements de l'année passée. M. le Commissaire Russe a donc dû rechercher, dans un ensemble de preuves morales, recueillies en

dehors du procès, les éléments d'une conviction que l'enquête du Tribunal n'avait pas fait naître dans son esprit.

On a invoqué en faveur de Said Djumblat plusieurs circonstances. Le fait qu'il s'est remis spontanément entre les mains de l'autorité n'est pas concluant. Coupable ou innocent, qu'aurait-il pu faire ? Fuir dans le Hauran comme un aventurier, en laissant derrière lui tous les avantages de sa position, en se privant à tout jamais des chances d'acquittement, uniquement dans le but d'avoir la vie sauvée ? C'eût été un faux calcul. En le supposant coupable, il était toujours dans son intérêt d'aller au devant de la justice, et de jouer le tout pour le tout, en faisant valoir les preuves qu'il s'était préparées à l'appui de son innocence.

Une de ces preuves, c'est son abstention de toute participation matérielle aux événements de la Montagne. Mais, si l'on suppose que toute sa conduite a été guidée par le plan préconçu d'aboutir à un acquittement judiciaire, il a dû non seulement s'abstenir de toute participation à la guerre, mais encore se ménager l'apparence de quelques efforts pour l'empêcher. Judiciairement parlant, ce fait ne peut donc pas servir, pas plus que le premier, de circonstance atténuante en sa faveur. La seule circonstance de cette nature qui existe réellement, c'est le fait qu'il a sauvé la vie à de nombreux Chrétiens. Quelqu'intéressés que fussent ses motifs, il n'en est pas moins vrai que des centaines de Chrétiens ont été préservés par lui d'une mort certaine.

Après avoir rendu cet hommage à la vérité, M. Novikow passe à la question de savoir si Said Bey est réellement coupable ou non, et jusqu'à quel point il l'est. La voix publique et les conclusions du Tribunal le considèrent comme l'âme et le Chef occult du mouvement des Druses. M. Novikow partage ce point de vue. La guerre entre les Maronites et les Druses était en effet, aux yeux des uns et des autres, une guerre nationale, qui semblait devoir être décisive et dont l'enjeu était la possession de la Montagne. Les rivalités de parti ont dû nécessairement se taire devant ce grand intérêt : on voit en effet que tous les Druses du Liban se sont étroitement unis entre eux et avec leurs compatriotes du Hauran. Said Djumblat pouvait-il rester en dehors de ce mouvement, lui qui était le plus considéré des Cheiks de sa nation, Chef d'un grand parti, Mokata dji héréditaire de 5 districts, le plus riche et le plus influent parmi ses compatriotes ? On a établi une distinction de fond entre la guerre civile et les massacres. En effet les Chefs secondaires qui ont conduit leurs bandes à la guerre sont moins coupables que ceux qui les ont conduites au massacre. Mais Said Bey Djumblat n'appartient ni à l'une ni à l'autre de ces catégories. Il se trouvait dans une situation toute particulière. Du moment où il ne se mettait pas franchement en travers du mouvement des Druses,

il en devenait forcément le Chef; et dans ce cas il assumait la responsabilité de toutes les conséquences de la guerre. Qu'il eût voulu ou non les massacres, que ses intérêts particuliers eussent été pour ou contre la guerre, peu importe : la même responsabilité qui pèse en principe sur le délégué du pouvoir Ottoman retombe en plein sur Said Bey Djoumblat, dans la sphère de son influence et de ses attributions.

On trouve sous ce rapport, dans les pièces de l'instruction, la preuve de l'énorme influence que Said Bey Djoumblat exerçait sur ses compatriotes au début comme à la fin de la guerre, et la lettre d'Ismail-el-Atrache en est un indice très grave. On sait en outre qu'il distribuait des munitions aux Druses qui, avant d'aller à la guerre, passaient par Mokhtara. La déposition d'un témoin oculaire et assermenté, Youssouf-el-Hacqed, de Djezzin, ne laisse aucun doute à cet égard. Un autre témoin, Derviche Roza, juge Grec-Catholique de la Caïmacamie Druse, cité par Said Bey lui-même, a raconté qu'un simple écrit de ce dernier avait suffi, lors de la première attaque dirigée contre Deir-el-Kamar, pour dissiper un attroupement très considérable de Druses, appartenant à des Chefs divers, qui tous ont obéi à un ordre émané de lui. Aucun des envois de Chrétiens qu'il faisait escorter par ses gens à Sayda ne fut inquiété par les Druses, et à la fin de la guerre il dominait si bien la situation au midi de la Montagne que Kourchid Pacha lui délégua le soin de sauver le reste des Chrétiens à Deir-el-Kamar, et que le commandant de la garnison de cette ville lui délivrait un certificat de bonne conduite, afin d'obtenir qu'il veuille bien faire arriver sa famille saine et sauve à Sayda.

De nombreux témoins à charge ont déposé dans la cause de Said Djoumblat. Il a été accusé, à diverses reprises, des plus grands crimes : d'avoir endormi les Chrétiens dans une fausse sécurité ; d'avoir provoqué les massacres de Deir-el-Kamar, de Hasbeya, du couvent de Deir-Moukhallis, de n'avoir pas été étranger à ceux de Sayda. Chacun de ces chefs d'accusation eut été accablant pour Said Bey, si les témoins qui les ont portés avaient déposé soit de vue, soit d'ouïe, et en pleine connaissance de cause. Mais la plupart de ces témoignages ne sont basés que sur la voix publique ou sur les indications de tiers qui, pour diverses raisons, n'ont pu comparaître devant le Tribunal. Les chefs d'accusation relatifs aux massacres de Sayda et de Deir-Moukhallis n'ont même été touchés qu'incidemment par le Tribunal. L'évidence judiciaire de la culpabilité personnelle ne jaillit donc pas des pièces mêmes du procès. Des témoins, tant Chrétiens que Musulmans, ont été cités à la demande de l'accusé.

Or, les témoins Musulmans, tout en faisant son éloge, se prononcent sur sa conduite pendant les événements d'une manière

très-réservée. Ils ont déclaré qu'il n'a pas pris personnellement part à la guerre; que, selon les apparences, elle ne s'est pas faite d'après sa volonté; qu'il a sauvé un grand nombre de Chrétiens; mais la plupart ajoutent que Dieu seul connaît la vérité.

Quant aux témoins Chrétiens à décharge, quelques-uns d'entr'eux ont imputé à Said Bey tous les malheurs de la Montagne, qu'il aurait eu, disaient-ils, le pouvoir d'empêcher, s'il l'avait voulu; d'autres enfin l'ont accusé d'avoir été personnellement l'instigateur des massacres, et chose étrange, ce sont ceux-là mêmes auxquels il avait sauvé la vie et qui avaient pu observer son attitude pendant leur séjour à Mokhtara.

Il découle en outre de la déposition des Chrétiens réfugiés chez Said Bey que les certificats signés par eux et cités en sa faveur ont été le résultat d'une contrainte morale.

Le chef d'accusation le plus grave porté contre lui, est celui d'avoir organisé les massacres de Hasbeya, en y envoyant Ali Hamadé avec la mission ostensible d'en ramener sa sœur Naïfé.

La vénération toute particulière dont les Druses de l'Anti-Liban entourent le nom de Said Djoumblat; les rapports suivis de correspondances et de messages qui existaient entre lui et sa sœur Naïfé; l'influence qu'elle exerçait incontestablement sur la garnison Ottomane de cette ville, qui a livré les Chrétiens aux Druses; l'arrivée presque simultanée d'Ali Hamadé et de Guendj-Aamad à Hasbeya, envoyés, le premier de Mokhtara par Said Djoumblat, pour ramener sa sœur; le second de Damas par le Seraskier Ahmet Pacha, pour amener les Emirs et les Chrétiens de Hasbeya, et qui, au lieu de remplir leur mission, dirigent l'un et l'autre les massacres de cette ville; l'entourage d'Ali Hamadé, composé en partie de serviteurs intimes de Said Djoumblat, qui prennent une part active aux massacres, et qui certes n'auraient pas osé le faire sans un encouragement de la part de leur maître; toutes ces données constituent à la charge de Said Djoumblat un ensemble de preuves de nature à établir sa culpabilité.

En résumé, le Commissaire Russe est d'avis que Said Bey Djoumblat a encouru la plus grave responsabilité dans les événements de 1860, et qu'il y a lieu de confirmer le jugement porté contre lui par le Tribunal Extraordinaire de Beyrouth.

Lord Dufferin, en prenant acte de ce que M. Novikow a dit qu'une certitude judiciaire de la culpabilité personnelle de Said Bey ne résultait point des pièces du procès, ne croit pas d'un autre côté pouvoir admettre qu'il soit loisible à chacun des Commissaires de faire entrer dans la discussion des bruits publics, des correspondances, des témoignages, en un mot, des faits d'aucune nature qui ne seraient point authentiques, et n'auraient point été appréciés suivant les règles ordinaires de la procédure. Les pièces du procès,

recueillies judiciairement, authentiquement communiquées, voilà, selon Lord Dufferin, la seule base possible de l'espèce de révision collective du procès à laquelle les Commissaires se livrent ensemble en ce moment. Si chacun d'eux appuie son opinion personnelle sur des faits que lui seul peut apprécier, il semble alors au Commissaire Britannique que toute entente demeure plus que jamais impossible.

En ce qui concerne les témoignages des Chrétiens, seuls témoignages qui aient été recueillis, sans prétendre leur refuser toute valeur, Lord Dufferin ne croit pas non plus que, par cela seul que les témoins Chrétiens ont été assermentés, leur serment doive être considéré comme une garantie absolue de véracité.

Fuad Pacha constate avec regret que l'espèce de révision du procès, à laquelle la Commission vient de se livrer, n'a abouti à aucun résultat, et que les deux opinions qui s'étaient produites ne sont pas moins divergentes qu'auparavant.

M. le Commissaire de France rappelle qu'il n'avait accepté la proposition de M. de Weckbecker que sur réserve et comme un expédient auquel les Commissaires, à bout de ressources pour s'entendre, devaient faire appel. En réalité la Commission n'a pas pu se constituer en Tribunal. La justice dans l'Empire Ottoman doit être rendue et a été rendue dans l'espèce par un Tribunal Ottoman. Le rôle des Commissaires consiste uniquement à provoquer l'action de la justice locale. Les sentences ont été rendues, et des avis émis au sujet de ces sentences. C'est au Plénipotentiaire Ottoman qu'il appartient de leur donner ou non force exécutoire.

Il résulterait, selon Lord Dufferin, de ce que vient de dire M. Béclard, que la Commission aurait eu tort de prendre même connaissance des dossiers.

M. de Weckbecker explique la proposition qu'il avait fait dans la précédente séance. Avant de manifester leur dissentiment, les Commissaires, selon lui, devaient, en conscience, employer tous les moyens qui s'offraient à eux de se mettre d'accord.

Son Excellence Fuad Pacha expose que, dans l'état de la question, un tribunal ayant rendu régulièrement des sentences ou *mazbatas*, comme représentant du pouvoir exécutif, il n'a qu'à les confirmer tant pour les Chefs Druses que pour les fonctionnaires et officiers Ottomans. Mais, eu égard à la divergence d'opinion qui s'est manifestée dans le sein de la Commission, il ajournera toute autre mesure ultérieure jusqu'à ce qu'il ait reçu, sur l'ensemble de la question, les ordres de son Gouvernement. C'est là, dit-il, la seule issue qui s'offre à lui pour résoudre cette difficulté. Toutefois, il réclame encore à ce sujet l'avis de la Commission.

M. le Commissaire de France déclare que, du moment où le Plénipotentiaire Ottoman ne croit pas devoir exécuter immédiatement

les sentences du tribunal concernant les Chefs Druses, il ne reste aux membres de la Commission qu'à souscrire à la décision qui vient de leur être notifiée.

Son Excellence ajoute que, confirmant tous les mazbatas rendus, elle va seulement donner suite à ceux qui sont relatifs aux détenus de Mokhtara condamnés à des peines de second ordre, et au sujet desquels aucune divergence d'opinion ne s'est produite.

La séance est levée à 7 heures et demie.

(Suivent les signatures.)

(25.)—*Protocol of Twenty-fifth Meeting.*

Beyrout, March 5, 1861.

LE 5 Mars, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à midi.

Les procès-verbaux des 22^{me}, 23^{me}, et 24^{me} séances ayant été lus et adoptés dans une réunion exclusivement consacrée à cet objet, Fuad Pacha propose à MM. les Commissaires de passer immédiatement à la discussion du projet d'indemnité relatif à Damas, et récemment envoyé de Constantinople.

Lord Dufferin demande la permission de faire auparavant des réserves formelles et explicites au sujet des nouvelles condamnations à mort prononcées contre des détenus de Mokhtara. Déjà, lorsque la Commission a été d'avis que le chiffre de 20 condamnations ne remplissait par le but politique qu'on se proposait, Lord Dufferin avait eu soin à faire connaître que, tout en ne s'opposant point à l'émission de cet avis, il ne croyait pas toutefois que la Commission pût engager un tribunal à frapper de mort dans un but politique des hommes dont la culpabilité ne serait point parfaitement démontrée au point de vue judiciaire. Il vient d'apprendre que les formalités de procédure dirigées contre les 38 nouveaux condamnés ont été encore plus contraires aux règles ordinaires de la justice que celles qui avaient été suivies à l'égard des 20 premiers ; que, notamment, ces 38 sentences de mort subséquentes avaient été prononcées à Beyrout, par une partie seulement des juges de Mokhtarah, et hors de la présence des accusés, qui n'ont pas pu se faire entendre. M. le Commissaire Britannique croit devoir en conséquence déclarer que ces nouvelles condamnations ne peuvent être considérés par lui comme ayant une valeur quelconque. Lord Dufferin demande ensuite à Fuad Pacha, si, par suite des décisions qui ont été prises dans les précédentes séances, il ne se propose point de mettre un terme aux inquiétudes et aux souffrances de la nation Druse, en lui faisant savoir qu'elle est désormais à l'abri de toute poursuite. Les nombreuses pétitions qu'il reçoit le portent à croire qu'une mesure

de ce genre est impérieusement réclamée par l'état des esprits dans la Montagne.

Fuad Pacha répond que les formalités suivies pour les 38 nouvelles condamnations à mort sont celles d'une procédure extraordinaire. La Commission, y compris Lord Dufferin, avait été elle-même d'avis que la justice à rendre contre les Druses devait être sommaire, expéditive, militaire pour ainsi dire, et d'un caractère exceptionnel, comme les événements qui l'ont rendue nécessaire. On a suivi pour les Druses nouvellement condamnés exactement les mêmes formalités d'instruction que pour les 20 premiers.

Sur la seconde question son Excellence répond que l'idée d'une sorte d'amnistie judiciaire au profit de la nation Druse toute entière est loin d'être abandonnée. Mais il est clair qu'elle ne peut recevoir d'exécution qu'après la clôture définitive de l'œuvre de répression. Or, la nécessité où Fuad Pacha se trouve d'en référer à Constantinople, et le caractère conditionnel des diverses propositions relatives à la répression, l'obligent à attendre les instructions de son Gouvernement. Il a toutefois donné à ses agents l'ordre de ne plus procéder dans la Montagne à aucune arrestation, et il a menacé de frapper d'un châtement exemplaire ceux d'entre les habitants qui chercheraient à se faire justice eux-mêmes par des représailles individuelles.

M. le Commissaire Russe pense que l'inquiétude et le malaise qui régnet encore dans la Montagne et notamment dans les environs de Racheya, seraient en partie calmés par un commencement de répression qui consisterait à exécuter les sentences qui infligent des peines de second ordre à un certain nombre des accusés de Mokhtara.

Fuad Pacha répond que l'on est actuellement en train de préparer par son ordre des mesures d'exécution. Quant aux habitants des environs de Racheya venus à Beyrout, il a fait droit à leur réclamation, en envoyant dans leur pays de nouvelles troupes, et en adressant au nouveau Commandant des instructions très sévères pour le maintien de l'ordre.

M. de Rehfuës est d'avis que, pour rétablir le calme dans la Montagne, il faudrait déployer une égale et très grande rigueur contre les Chrétiens et les Druses qui si livreraient à des actes de représailles individuelles.

M. le Commissaire Français a appris que deux assassinats venaient d'être commis aux environs de Baalbek. Il demande que des poursuites soient dirigées contre les meurtriers et qu'ils soient frappés d'un châtement. Il persiste à croire, d'après ses propres renseignements, et malgré les pièces officielles récemment, communiquées, que l'état des choses dans cette partie de la Syrie laisse beaucoup à désirer.

Fuad Pacha fera prendre de nouvelles informations sur l'état du pays, et a déjà ordonné des poursuites relativement aux deux assassinats qui viennent d'être signalés.

Son Excellence le Commissaire du Sultan fait part ensuite à la Commission des instructions qu'il a reçues de Constantinople au sujet de l'indemnité due aux habitants Chrétiens de Damas. La Porte a reconnu, comme la Commission, que le principe d'une somme fixe et déterminée à l'avance, à répartir ensuite entre les ayants-droit au prorata de leurs pertes, était le meilleur qu'on pût adopter. Mais, si la Porte est tombée d'accord avec la Commission sur le principe, elle s'en éloigne dans l'application. Au lieu de 150,000,000 de piastres que la Commission proposait de répartir entre les Chrétiens, la Porte serait d'avis eu égard aux ressources dont elle croit pouvoir disposer, de s'en tenir au chiffre de 75,000,000 de piastres, dont le Gouvernement du Sultan se constituerait le débiteur vis-à-vis des Chrétiens, et qu'il leur paierait en 6 à-comptes semestriels, c'est-à-dire, dans le laps de 3 années. Dans le plan arrêté à Constantinople, une imposition sur Damas et les environs serait le moyen employé pour faire face aux intérêts et à l'amortissement des sommes que le Gouvernement avancera.

M. le Commissaire d'Autriche est d'avis que, si l'arrêté de la Porte est définitif, toute discussion semble inutile. Si ce n'est qu'un projet, il doit dire que dans sa pensée le chiffre de 75,000,000 de piastres est insuffisant. En étendant les délais du paiement, la Porte pouvait élever le chiffre même de l'indemnité sans grand inconvénient. Elle pourrait même encore adopter ultérieurement le chiffre proposé par la Commission, en divisant le paiement en 12 à-comptes semestriels. M. de Weckbecker fait remarquer en outre que le taux de l'argent dans la Montagne étant actuellement de deux et même 3 pour cent par mois, toute lenteur apportée au paiement de l'indemnité occasionne pour les Chrétiens un surcroît de pertes considérables.

M. le Commissaire Français constate que la Porte, après avoir écarté le système proposé par la Commission, et paru donner la préférence à celui d'une enquête spéciale et judiciaire pour chaque individu, adhère maintenant au principe de la Commission, c'est-à-dire, à la fixation d'une somme totale déterminée à l'avance et à répartir ensuite entre tous les ayants-droit. Quant aux chiffres qu'elle a posés, M. Béclard ne trouve pas qu'ils soient de nature à assurer aux Chrétiens une réparation suffisante des dommages qu'ils ont soufferts. 150,000,000 de piastres étaient dans la pensée de la Commission un minimum indispensable, et le terme de 8 mois pendant lesquels la population Musulmane de Damas et des environs devait payer la portion de l'impôt mise à sa charge, était un délai suffisant pour les Musulmans et déjà très-long pour les Chr-

tiens. La Commission avait été conduite à proposer ces chiffres par des recherches nombreuses et approfondies. Rien ne vient au contraire à l'appui des nouveaux chiffres présentés par la Porte. En conséquence, M. le Commissaire Français ne peut que persister dans l'opinion que d'accord avec ses collègues il a émise, il y a déjà 3 mois, sur la question de l'indemnité. Mais quelle que soit la combinaison définitivement adoptée, il y a un point sur lequel il doit s'empressez de faire dès aujourd'hui les réserves les plus formelles, c'est qu'en aucune partie de l'Empire les populations Chrétiennes ne seront ni directement ni indirectement tenues de concourir au paiement de l'impôt d'indemnité. Il est bien entendu en effet que les Musulmans seuls doivent être soumis aux conséquences de la mesure financière quelle qu'elle soit, qui sera ultérieurement adoptée.

M. Bécларd demande en outre que des délégués Européens soient appelés à participer aux travaux de la Commission de répartition. Une telle mesure lui paraît être la conséquence nécessaire de la concession faite au Gouvernement local à l'égard des protégés, en faveur desquels le principe d'un arrangement particulier entre Fuad Pacha et les Commissaires respectifs n'a point été réservé.

Lord Dufferin ne voit aucune raison pour que la Commission revienne sur l'avis qu'elle a exprimé. 150,000,000 de piastres d'indemnités étaient le résultat du calcul le plus modéré auquel on pût se livrer sur les pertes subies par les Chrétiens de Damas, en ne comprenant encore dans cette évaluation ni bijoux, ni matières précieuses ni argent comptant. Quant aux délais fixés à la perception de l'impôt, Lord Dufferin a toujours été d'avis que la Commission s'était montrée trop rigoureuse à l'égard de Damas. Il est convaincu que, pour ne pas épuiser la force contributive de cette cité, on ne peut lui demander au plus que 10,000,000 de piastres par mois ; mais en revanche il continue de croire que, 40,000,000 n'excèdent pas la somme totale que Damas devrait fournir dans l'ensemble des ressources affectées au paiement de l'indemnité. Lord Dufferin est d'avis en outre que ce n'est pas sur la population, soit Musulmane, soit Chrétienne, de la province dans sa généralité, mais seulement sur Damas et les villages environnants compromis dans les désordres, que l'impôt pénal en question devrait porter.

M. le Commissaire Prussien rappelle que la Commission, en donnant son avis, il y a 3 mois, sur cette question, avait été guidée par deux motifs : éviter les lenteurs d'une enquête judiciaire, et frapper Damas d'un impôt pénal. Les retards que le rappel de la Porte a entraînés dans le règlement de cette question ont déjà fait perdre aux Chrétiens tout le bénéfice du système qui n'avait été proposé que parce qu'il était simple et expéditif ; et en ce qui concerne les Musulmans, la combinaison

financière que propose la Porte n'a aucun rapport avec l'impôt pénal que la Commission avait en vue. M. de Rehues ne cesse pas de croire que le plan d'indemnisation indiqué par la Commission était aussi expédient que modéré, et qu'il correspondait au minimum de ce que le Gouvernement Ottoman doit faire en faveur d'une population sujette du Sultan, et que la protection de son Souverain n'a pas empêchée d'être chassée de ses foyers, soumise aux plus horribles traitements, et réduite en masse à la plus extrême misère.

M. le Commissaire Russe déclare n'avoir presque rien à ajouter à toutes les idées justes qui viennent d'être exprimées par ses collègues. Il renouvelle pour son compte la réserve faite par M. Bécлар, et d'après laquelle les Chrétiens d'aucune localité ne doivent contribuer à la création des ressources nécessaires pour le paiement des 127,000,000, attribués dans le projet de la Commission aux victimes de Damas, abstraction faite de ce qui reviendrait aux établissements religieux indigènes, au sujet desquels le principe d'une enquête séparée a été et demeure admis d'un commun accord, les indemnités dues aux Consulats et nationaux étrangers seulement devant être l'objet d'un arrangement particulier entre Fuad Pacha et les Commissaires de chaque Puissance intéressée.

Son Excellence Fuad Pacha, manquant d'informations suffisantes pour soutenir contradictoirement, soit auprès de son Gouvernement, soit auprès de la Commission, l'un et l'autre des deux projets qui se trouvent en présence, va, dit-il, se rendre à Damas et y recueillir sur les lieux tous les renseignements dont il a besoin. Lors de son retour et même auparavant, s'il est nécessaire, il fera connaître à la Commission le résultat de son enquête.

Sur la proposition de M. Bécлар, appuyée unanimement par la Commission, M. le Commissaire Ottoman s'engage à faire payer immédiatement par la population Musulmane de Damas un premier à-compte de 12,500,000 piastres. Fuad Pacha promet de dépasser même le chiffre de 12,500,000 piastres, s'il trouve que cela soit possible, et prie la Commission de vouloir bien s'en remettre à lui sur ce dernier point.

Il est bien entendu d'ailleurs que, dans la pensée de la Commission, ce paiement d'un premier à-compte ne préjugera rien sur la fixation ultérieure et définitive du chiffre total de l'indemnité. Il est en outre convenu qu'une fois le chiffre fixé et le tableau de répartition établi, les Chrétiens, devenant pour ainsi dire les créanciers du Gouvernement, seront payés dans les délais de rigueur, et qu'il leur sera même loisible de transférer à des tiers, pour se procurer l'argent dont ils auraient besoin avant l'expiration de ces délais, les titres de créance dont ils seront munis.

MM. les Commissaires des 5 Puissances se proposent de mettre à profit l'absence de Fuad Pacha, en préparant un projet de réorgani-

sation du Liban, au sujet duquel ils devront ultérieurement s'entendre avec son Excellence, avant de le transmettre à leurs Cours respectives.

La séance est levée à 4 heures et demie.

(26.)—*Protocol of Twenty-sixth Meeting.*

Beyrout, March 21, 1861.

Le Jeudi, 21 Mars, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de Fuad Pacha, la séance est ouverte à une heure.

Le procès-verbal de la dernière séance ayant été soumis successivement à l'approbation des membres de la Commission et adopté séparément par chacun d'eux, son Excellence Fuad Pacha invite ses collègues à vouloir bien lui faire connaître le plan de réorganisation du Liban qu'ils viennent d'élaborer, et pour la prompt communication duquel ils l'ont engagé à retarder de quelques jours son voyage à Damas.

Avant qu'il n'en soit donné lecture, M. le Commissaire de France croit devoir demander à Fuad Pacha quelle marche il compte suivre dans l'examen et la discussion de ce document, et s'il est en mesure de faire dès aujourd'hui connaître à la Commission la pensée de son Gouvernement sur la question de réorganisation.

Son Excellence le Commissaire Ottoman expose qu'il n'a encore reçu à ce sujet aucune instruction, et qu'un avis ne pourrait être émis par lui qu'ad référendum. Ne connaissant pas encore le projet et la nature des propositions qu'il contient, il lui est d'ailleurs impossible de répondre à la question qui vient de lui être posée. Ce qui lui paraît convenable et même nécessaire, c'est de donner lecture du projet et de lui en laisser copie. Il l'étudiera ensuite à loisir, et fera connaître à la Commission les diverses observations que cet examen lui aura suggérées. Il enverra sans retard à la Porte et le projet et les observations : après quoi la Porte, de deux choses l'une, ou provoquera la réunion d'une conférence pour prendre une résolution définitive, ou, d'accord avec les 5 Puissances, demandera à la Commission un nouveau travail.

M. de Weckbecker fait observer que le projet dont il vient d'être fait mention a été arrêté par les 5 Commissaires d'un commun accord. Il leur reste à recevoir du Commissaire Ottoman l'assurance que la mesure hypothétique sur laquelle repose tout le projet peut être réalisée, et à apprendre, par conséquent, s'il y a lieu pour eux de maintenir leurs propositions et de les envoyer à leurs Cours respectives, après en avoir développé le sens et la portée dans un rapport collectif.

M. le Commissaire de France s'empresse de rappeler que, s'il a pris part à la discussion des Articles de ce projet, et s'il a cru devoir

le parapher dans son ensemble, ce n'est qu'après avoir fait toutefois des réserves formelles sur ce principe qui lui sert de base. Ce projet n'a donc point, tant s'en faut, le caractère d'unanimité absolue que les paroles de M. le Commissaire d'Autriche sembleraient de nature à lui attribuer.

M. le Commissaire Britannique remarque à son tour que M. Béclard paraît vouloir enlever au projet le caractère de collectivité qui résulte des 5 paragraphes qui y ont été apposés. Si des réserves ont précédé l'adhésion d'un des Commissaires, ces réserves en pareil matière, telle est du moins l'opinion de Lord Dufferin, ne peuvent concerner que des dispositions accessoires ou des conséquences secondaires.

Si c'est contre le principe fondamental du projet que M. le Commissaire de France proteste, alors son adhésion au projet n'est qu'apparente ; en réalité il n'y adhère point, et M. le Commissaire Britannique s'étonne que M. Béclard ait consenti à prendre part à la discussion d'un projet dont la base même lui semblait mauvaise. Lord Dufferin reconnaît que cette base est hypothétique. Mais les explications de son Excellence le Plénipotentiaire Ottoman lui enlèveront ce caractère, s'il déclare que la mesure sur laquelle repose toute l'économie du projet est réalisable. Dans ce cas, les réserves de M. Béclard devraient, ce semble, tomber d'elles-mêmes et laisser prendre au projet en question le caractère d'une parfaite collectivité. C'est en vue de cette éventualité que Lord Dufferin lui-même a consenti à parapher un travail préparatoire qui sur beaucoup de points n'est pas entièrement conforme à sa propre pensée. Il n'hésite pas à dire que, s'il avait eu à faire un projet individuel, celui auquel il se serait librement arrêté eût été très-différent. Mais il a cru pouvoir faire des concessions en vue de celles que l'apposition des 5 paragraphes semblait indiquer de la part de ses collègues.

M. le Commissaire de France ne pense pas qu'il puisse y avoir lieu entre ses collègues et lui à aucune espèce de malentendu, touchant le caractère et les conséquences de sa participation à la discussion du projet qui va être lu. Les expressions de M de Weckbecker étaient peut-être de nature à en faire naître un dans la pensée de son Excellence le Plénipotentiaire Ottoman. M. Béclard s'est donc cru dans l'obligation de relever ce que ces paroles avaient de trop absolu, en rappelant qu'il n'avait paraphé le projet qu'après avoir fait des réserves formelles. Ces réserves, il ne les a pas faites au dernier moment. Lorsque le projet a été mis en discussion, il a tout d'abord annoncé qu'il les ferait, et que, s'il consentait à prendre part à l'élaboration d'un projet dont la base lui semblait défectueuse, c'était pour ne point empêcher la Commission d'aboutir à l'émission collective d'un plan quelconque de réorganisation. Il croit devoir rappeler à ce sujet dans quelle situation ses collègues et lui se trou-

vaient placés avant la rédaction du projet. Diverses idées avaient été présentées en sens contraire, et si divergentes les unes des autres que chacun des Commissaires allait peut-être se trouver dans la nécessité de faire un projet séparé. Un tel résultat eût été fâcheux, puisque leurs instructions leur prescrivaient de faire un projet et un rapport collectifs. M. Bécлар a donc cru devoir déclarer que, pour entrer largement dans l'esprit de ses instructions, il consentirait à s'associer sans réserve à la discussion de tout projet dont le principe réunirait au moins quelques adhésions, non pas pour adhérer même au principe, si le principe lui semblait défectueux, mais pour concourir dans sa mesure à l'œuvre de la Commission. C'est ce qu'il s'est loyalement efforcé de faire, et il est en droit de croire que ses réserves, annoncées à l'avance et développées dans une note dont il a donné lecture à la dernière réunion particulière avant que le projet ne fût paraphé, ne laissent planer aucune incertitude sur le caractère du projet en question. On peut dire de ce projet qu'il a été élaboré à 5, mais on ne peut pas se borner à dire, en termes généraux, qu'il ait été arrêté d'un commun accord.

M. de Weckbecker déclare qu'il n'y avait point en effet de malentendu entre son collègue de France et lui sur ce point; M. Bécлар, abstraction faite du principe sur lequel il a élevé des réserves, ayant adhéré à l'ensemble des dispositions du projet.

Le Commissaire de la Sublime Porte observe qu'il lui est très difficile de suivre une discussion dans laquelle il est souvent fait allusion à un principe encore inconnu de lui, et il émet l'opinion que le meilleur moyen de porter la lumière sur cet incident et d'avancer le travail de la Commission serait de lire séance tenante le projet paraphé et les réserves qu'il comporte.

M. le Commissaire Russe appuie cette observation et tous ses collègues se rangeant à cet avis, il est donné lecture du projet de réorganisation (Annexe 1) et des réserves de M. le Commissaire de France (Annexe 2).

Son Excellence le Plénipotentiaire Ottoman déclare que toutes les appréciations auxquelles il pourrait se livrer sur ce projet ne peuvent être que personnelles et n'engagent en rien la responsabilité de son Gouvernement, auquel il doit en référer pour tout ce qui concerne la réorganisation de la Montagne. Il lui semble, quant à lui, que le principe de la désagrégation des races, point de départ du projet qui vient de lui être communiqué, mériterait d'être pris en sérieuse considération. Déjà, lors des événements de 1842, on avait songé à recourir à cet expédient pour pacifier la Montagne. Mais les grandes difficultés qu'une telle mesure doit naturellement rencontrer dans l'application empêchèrent d'y donner suite. On doit reconnaître toutefois que la profonde commotion des événements de l'année dernière, et les déplacements de population qui en ont déjà été la

suite, rendent aujourd'hui la mesure peut-être plus praticable qu'elle ne l'était, il y a 20 ans. Il serait sans doute encore très difficile de procéder à l'indemnisation, sinon des petits, au moins des grands propriétaires des deux races respectives ; car, si on peut aisément trouver l'équivalent d'un fonds de terre, il n'en sera pas de même pour les propriétés bâties. Quoiqu'il en soit, son Excellence le Commissaire Ottoman, tout en réservant l'opinion de son Gouvernement sur l'étendue et sur le principe même de la désagrégation, invite la Commission à rechercher, tandis qu'elle est encore sur les lieux, les conditions de sa mise à exécution, et il lui pose la question de savoir si cette mesure est dans sa pensée inséparable du projet, ou si elle peut en être détachée.

MM. les Commissaires des 5 Puissances sont unanimement d'avis qu'il ne leur appartient pas de s'immiscer en rien dans les détails d'une mesure d'exécution dont ils doivent se borner à formuler le principe. Ils croient avoir rempli toute leur tâche, en stipulant qu'une Commission Mixte, composée des représentants des populations intéressées devrait, sous la surveillance de l'autorité locale et des Agents des 5 Puissances, être chargée de sa mise à exécution.

Quant à la question de savoir si la mesure de désagrégation est le préliminaire indispensable de l'application du projet dans son ensemble, MM. les Commissaires sont d'accord pour reconnaître que, si la désagrégation n'était pas réalisable, il y aurait lieu de leur part à rédiger en projet dans lequel les dispositions qui découlent du principe de désagrégation seraient modifiées.

Son Excellence Fuad Pacha pense que, quel que soit le projet définitif auquel on doive s'arrêter, il devra être rangé sous l'un ou l'autre de ces 3 chefs :

1. Administration directe de la Montagne par la Porte.
2. Gouvernement d'un seul Chef Chrétien et indigène.
3. Conservation des privilèges municipaux.

Son Excellence le Commissaire Ottoman n'hésite pas à dire que, dans sa pensée, le premier de ces systèmes est le meilleur, parce qu'il est le seul qui donne à la Porte une autorité proportionnée à l'étendue des responsabilités qu'on lui attribue. Mais il reconnaît que cette combinaison nouvelle, à laquelle on a grand tort de croire que la Porte ait jamais songé, rencontrerait aujourd'hui dans l'ordre moral des difficultés probablement insurmontables. Aussi ne croit-il pas devoir insister, même sur le simple exposé de ses opinions personnelles à cet égard.

Le second système, à ses yeux, est rendu, par d'autres causes, également impossible. Depuis 1840, les conditions du Gouvernement ont changé dans tout l'Empire. L'Emir Bechir administrait, comme administraient tous les Pachas, c'est-à-dire, avec une extrême rigueur. Cette rigueur lui était nécessaire pour maintenir son

autorité sur des populations de races et de rites contraires, toutes rivales les unes des autres. Or, cette ancienne rigueur n'étant plus admissible aujourd'hui dans la Montagne, pas plus que dans aucune autre partie de l'Empire, un Gouverneur Maronite verrait son pouvoir méconnu par les Grecs-Orthodoxes, ou un Grec-Orthodoxe par les Maronites, et ainsi de suite pour toutes les races et tous les rites représentés dans la Montagne.

Reste donc, en dernière analyse, le 3^{me} principe, celui du maintien des privilèges et des immunités de la Montagne par le développement des institutions municipales. Dans ce système, au lieu de concentrer les pouvoirs, on est naturellement conduit à les diviser et à éviter les conflits, soit en séparant géographiquement, si cela est possible, les différents éléments constitutifs aujourd'hui mélangés de la Montagne, soit en leur donnant des garanties égales et particulières là où ces éléments seraient encore juxtaposés, en laissant d'ailleurs au pouvoir responsable toute la liberté d'action qui lui est nécessaire. C'est à ce 3^{me} système que paraît se rattacher le projet qui vient d'être lu. Son Excellence promet d'en examiner attentivement les détails et de présenter par écrit à MM. les Commissaires ses observations, en même temps qu'elle les transmettra à son Gouvernement.

La mesure de désagrégation restant indécise par suite de l'impossibilité où se trouve son Excellence le Plénipotentiaire Ottoman de se prononcer, sans en référer à Constantinople, M. de Weckbecker propose à ses collègues d'élaborer sur la deuxième base, indiquée plus haut par Fuad Pacha, un nouveau projet qui, si le premier était abandonné, serait tout prêt à recevoir la sanction des Puissances, ou servirait au moins d'élément à leur discussion dans le sein de la Conférence.

M. de Rehfues fait observer que ses collègues, ni lui, ne peuvent pas se livrer ainsi à l'émission d'un ou de plusieurs projets, sans exposer à leurs Gouvernements la nature des divers motifs qui les ont guidés. Ce rapport, avec ou sans réserves particulières, leur est d'ailleurs prescrit par leurs instructions.

Lord Dufferin pense que, jusqu'à ce qu'il soit démontré que le projet, fondé sur le principe de désagrégation, est irréalisable, la Commission doit s'en tenir au plan qu'elle a d'abord proposé.

M. Béclard rappelle que ses réserves s'appliquent à deux points essentiels du plan adopté : à la désagrégation, base vacillante, hypothétique, lors même que le Gouvernement y accéderait, puisque tout déplacement ne peut qu'être facultatif ; à la division du pouvoir en 3 Caïmacamies, division qui diminuerait encore la force du pouvoir, et rendrait par conséquent impossible la pacification du pays. Abstraction faite de ces deux points essentiels et des dispositions qui s'y rattachent, il y a dans le projet d'assez nombreuses

dispositions accessoires qu'il trouve excellentes, et qui l'ont déterminé à s'associer par un paraphe à la demande de prise en considération du susdit projet. Il se déclare prêt toutefois à entrer dans la discussion d'un nouveau travail.

M. Novikoff est d'avis que la Commission ne doit négliger aucun moyen d'arriver à la rédaction d'un projet et d'un rapport collectif. Il faut aller, dit-il jusqu'à la dernière limite possible des rapprochements, et si par exemple les réserves de M. Béclard à l'égard du projet actuel, portant sur deux points essentiels, savoir, la désagrégation et la division en 3 Caïmacamies, il était possible de s'entendre sur un projet sans désagrégation, au lieu de deux réserves de la part de M. Béclard, il n'y en aurait plus qu'une, et ce serait un pas considérable de fait vers l'accord final de toutes les opinions.

Lord Dufferin déclare que, dans sa pensée, la Commission devrait s'en tenir à ce qu'elle a proposé. Cependant, si la majorité de ses collègues est d'avis de rédiger un autre projet éventuel, il ne refusera pas de s'associer à ce nouveau travail.

Fuad Pacha constate que le projet qui vient de lui être communiqué, est un projet adopté, mais non pas, à ce qu'il paraît, préféré.

Les Commissaires qui y ont apposé leur paraphe sans réserve, répondent que ce projet a leur préférence, puisqu'ils l'ont adopté. Si la désagrégation des races est possible dans la Montagne, ils n'hésitent pas à croire que cette mesure est de toutes la plus propre à y rétablir l'ordre et la paix sur des bases solides.

Son Excellence le Commissaire Ottoman déclare de nouveau qu'il n'a personnellement aucune objection à faire en principe à la mesure de désagrégation, sauf l'avis ultérieur de son Gouvernement, et les difficultés que lui révélerait l'étude des moyens d'exécution à laquelle il va se livrer.

M. de Behfues est d'avis que la confiscation des propriétés appartenant aux Druses condamnés par le tribunal de Beyrout et par celui de Mokhtara est de nature à faciliter beaucoup la désagrégation, en ce qu'elle rend disponibles un grand nombre de terrains qui pourront être livrés immédiatement à de nouveaux possesseurs.

Son Excellence Fuad Pacha répond que la confiscation des propriétés appartenant aux Druses n'est pas encore décidée. La peine de la confiscation n'existant pas dans la loi, il n'a pas pu la prononcer lui-même sans en référer à son Gouvernement. La réponse n'est pas encore venue de Constantinople. Mais il y a lieu dès aujourd'hui de prévoir que la confiscation des biens appartenant aux notables Druses ne mettra pas dans la main du pouvoir les ressources que l'on suppose. Il faudra d'abord déduire de ces biens ceux qui étaient possédés par les condamnés du chef de leurs

fonnes, et ensuite la valeur des dettes que les condamnés avaient contractées, et dont le Trésor se trouvera débiteur par le fait même de la confiscation. Enfin, comme il n'y a dans la Montagne, en matière de propriété, ni enregistrement, ni titres, ni actes d'aucune espèce, une grande quantité de ces propriétés se trouve réclamée par des parents des condamnés, sans qu'il y ait moyen de prouver qu'ils ne sont pas en effet les légitimes propriétaires. Toutes ces restitutions opérées en faveur des femmes, des parents, et des créanciers des condamnés, il ne serait pas impossible que la mesure de confiscation ne se transformât pour le Gouvernement en un déboursé de quelques millions de piastres. On avait beaucoup exagéré la fortune des plus riches d'entre les Druses, et pour n'en citer qu'un exemple, le revenu en huile des terres confisquées qui avait été estimé à 800,000 oques ne s'élève pas cette année à plus de 60,000.

M. le Commissaire de France croit devoir à ce sujet demander à Fuad Pacha comment il envisage la solution qu'il importe de donner le plus tôt possible à la question des indemnités. Ce que son Excellence vient de dire relativement à la confiscation lui inspire de pénibles appréhensions. Il avait toujours cru que la confiscation des biens appartenant aux Druses condamnés offrirait au Gouvernement du Sultan le moyen le plus efficace, et en même temps le plus légitime, d'indemniser les victimes de la Montagne. Du moment que cette ressource disparaît, l'indemnité devient plus incertaine que jamais, et l'on ne sait quelle issue entrevoir à la situation.

Quant aux victimes de Damas, son Excellence avait promis dans la dernière séance de leur distribuer un à-compte d'au moins 12,500,000 piastres qu'il s'agissait de lever immédiatement sur la population Musulmane de la ville et des environs. M. Béchard serait heureux d'apprendre que le Plénipotentiaire du Sultan a donné les ordres nécessaires pour assurer l'exécution de cette première mesure de réparation.

En ce qui concerne ce dernier point, Fuad Pacha répond que, son départ de Beyrouth ayant été ajourné, il n'a pas cru pouvoir ordonner la levée de cet impôt sans être lui-même à Damas. Aussitôt qu'il y sera rendu, ce qui aura lieu très prochainement, il avisera, et la Commission peut être certaine qu'il fera tout ce qui dépendra de lui pour réaliser les assurances qu'il a données à ce sujet.

La question relative aux indemnités de la Montagne a déjà reçu un commencement d'exécution. 6,000,000 de piastres en argent ont été distribuées sur le total de 20,000,000 à 22,000,000, chiffre auquel s'élève approximativement la somme des indemnités concernant les biens immobiliers. Des réquisitions de bois ont été faites partout où il y en avait. On en a affecté le produit à la

reconstruction des maisons. On a fait distribuer 1,200 lits aux plus nécessiteux, et 200,000 drahmes de graines de vers à soie sont déjà envoyés dans les différentes parties de la Montagne. C'est donc environ 8,000,000 à 9,000,000 de piastres qui ont été déjà payées, c'est-à-dire, plus du tiers du total des indemnités immobilières.

Il sera facile de déduire de ces indemnités ce qui été déjà payé contre reçu ; mais il sera très difficile d'évaluer l'étendue des pertes mobilières. Il est probable que dans certaines localités les habitants ont pu s'enfuir en emportant tout ou partie de leurs effets. Les moyens d'informations manquent à peu près complètement, et les populations abusent de cette circonstance pour faire des réclamations tellement exagérées qu'elles touchent à l'absurde. C'est ainsi que, pour ne parler que des réclamations faites par des sujets étrangers, la masse de cocons qu'ils prétendent avoir perdue équivaldrait, d'après leurs propres appréciations réunies, au maximum de ce que la Montagne peut produire en deux années.

M. Bécлар exprime les regrets sincères et profonds que lui inspirent les diverses explications dans lesquelles vient d'entrer son Excellence le Commissaire Ottoman au sujet de la question des indemnités, tant à Damas que dans la Montagne. L'exagération des réclamations ne prouve qu'une chose à ses yeux, c'est que les retards apportés par le Gouvernement à l'examen et à la solution de cette question jettent l'alarme dans les esprits, et que les victimes se croient obligées de réclamer beaucoup plus qu'il ne leur est dû dans la crainte assez naturelle où elles se trouvent de ne rien recevoir du tout. Il serait d'autant plus nécessaire de régler l'affaire des indemnités, que la contribution en nature sur les Druses, décidée, on s'en souvient, d'un commun accord, a été néanmoins abandonnée. M. le Commissaire de France s'étonne que Fuad Pacha ait cru devoir ajourner l'exécution de la promesse qu'il avait faite à la Commission de lever une contribution pour payer un premier à-compte aux victimes de Damas, en faveur desquelles rien absolument n'a encore été fait. Cette mesure était urgente, et il exprime l'avis qu'elle pouvait probablement s'effectuer sans que son Excellence se fût transportée de sa personne à Damas.

M. le Commissaire de Russie exprime à son tour la même opinion, et réclame un prompt règlement de toutes les indemnités. Selon lui, c'est une question urgente que la Commission doit mettre à l'ordre du jour de ses discussions, car la seule perte de temps occasionne aux victimes un préjudice considérable. Elles ne peuvent se remettre au travail, et en perdent même l'habitude. La solution de cette question est d'ailleurs, comme celle de la répression, intimement liée au rétablissement de l'ordre matériel et moral dans ce pays.

M. de Weckbecker pense qu'il faudrait d'abord pour la Montagne, comme pour Damas, adopter un mode d'enquête sommaire, et fixer au préalable la somme totale des indemnités à repartir entre tous les ayant-droit.

L'expérience des 6 derniers mois ayant démontré la lenteur des modes sommaires et expéditifs d'administration, M. de Rehfuës avoue qu'il se sentirait assez disposé à recommander pour le paiement des indemnités de la Montagne l'emploi d'un procédé méthodique et régulier.

Son Excellence Fuad Pacha, éprouvant de la difficulté à régler lui-même le mode d'enquête que l'on devrait suivre pour la fixation des indemnités de la Montagne, exprime l'idée qui lui est venue d'instituer une Commission qui sera chargée de régler le mode d'enquête qui serait prescrit à d'autres Commissions Mixtes, destinées à être envoyées dans le pays pour y recueillir les éléments indispensables au règlement définitif de la question. Cette Commission Centrale rédigera des instructions dont son Excellence promet de donner connaissance à la Commission.

Son Excellence le Commissaire du Sultan remet à la Commission un Tableau, contenant la liste nominative des Druses qui viennent par son ordre d'être transportés à Tripoli de Barbarie, où ils subiront dans une forteresse la peine de la détention à laquelle ils ont été condamnés. Ce Tableau (Annexe 3) contient en outre l'indication des charges qui pesaient sur les condamnés, et de la durée de l'emprisonnement que chacun d'eux a encouru.

La séance est levée à 5 heures et demie.

(Suivent les signatures.)

Annexe 1.—Projet de Réorganisation de la Montagne.

Bejrout, le 20 Mars, 1861.

1. Il sera procédé à la séparation ethnographique des Chrétiens et des Druses.

2. En opérant cette mesure de désagrégation, on tiendra également compte des intérêts de chaque population.

3. L'exécution en sera confiée, sous la surveillance de l'autorité locale et des Agents des 5 Puissances, à une Commission Mixte dans laquelle les diverses populations seront représentées.

Les Chrétiens ou les Druses qui refuseraient de se prêter à l'exécution de la mesure de désagrégation n'y seront pas contraints par la force. Mais il est bien entendu que, dans ce cas, ils devront se soumettre au régime des nouvelles institutions ci-après indiquées.

4. La Commission émet le vœu que les habitants Chrétiens de Hasbeya, Racheya, et Merdjaïoun soient compris dans le travail de déplacement susmentionné et appelés à jouir de ses bénéfices.

5. En conséquence, la Montagne sera divisée en 3 Caïmacamies, une Maronite, une Grecque Orthodoxe, et une Druse, qui seront administrées par des Chefs indigènes, choisis dans le sein des populations respectives.

6. La Caïmacamie Druse, autant du moins que les nécessités de la mesure de désagrégation le permettront, se composera des territoires suivants :

El-Garb, sauf la portion qu'il serait indispensable d'en détacher pour réunir les deux parties septentrionale et méridionale de la Caïmacamie Maronite ; le Djurd ; l'Arkoub ; le Chouf ; le Menassif, en partie, et le Chehar (voir la carte de Kiepert, 1860).

7. La Caïmacamie Grecque Orthodoxe sera composée du Koura, y compris la partie inférieure et les fractions du territoire avoisinantes dans lesquelles la population Grecque Orthodoxe serait en majorité.

8. Tous les territoires de la Montagne qui ne font point partie des deux Caïmacamies Druse et Grecque Orthodoxe seront compris dans la Caïmacamie Maronite, sauf Zahlé, qui, avec sa banlieue et son faubourg de Mohallacah, sera placée sous une administration mixte, dépendante du Vali de Saida, au même titre que les 3 Caïmacams Maronite, Grec Orthodoxe, et Druse.

1. Les Caïmacams seront nommés par la Sublime Porte sur la proposition du Vali de Saida, dont ils relèvent.

Ils seront chargés de toutes les attributions du pouvoir Exécutif, et nommément de présider les Medjlis administratifs ; de choisir les Vékils (délégués) auprès du siège de chaque Caïmacamie ; de composer le personnel du corps de police conformément aux règles qui seront posées ci-après ; de servir d'intermédiaires entre les habitants de leur Caïmacamie et le Vali de Saida ; d'exécuter les décisions de ce fonctionnaire, en tant du moins qu'elles seraient d'accord avec les institutions de la Montagne ; et d'exercer en cas de besoin contre lui un recours auprès de la Sublime Porte.

10. Chaque Caïmacamie sera divisée en Mudiriés, et la circonscription de ces nouveaux arrondissements administratifs sera réglée autant que possible d'après celle des anciens Aklims.

11. Il y aura dans chaque Mudirié un Mudir, nommé par le Caïmacam et appartenant au rite dominant de la population, lequel sera chargé de la direction des services publics et notamment de la police et de la perception des impôts.

12. Chaque Mudirié sera divisé en un certain nombre de Communes, et chaque Commune se composera d'au moins 500 habitants.

13. A la tête de chaque commune il y aura un Cheik nommé par les habitants, et qui servira d'intermédiaire entr'eux et les agents supérieurs de l'administration.

Le Cheik veillera au maintien du bon ordre dans sa commune, fournira tous les renseignements statistiques nécessaires à la répartition de l'impôt, et assistera les Mudirs dans la perception des contributions. Il sera en outre chargé de tenir un registre des naissances et des décès.

14. Dans les communes mixtes chaque élément constitutif de la population aura un Cheik particulier dont l'autorité ne s'exercera que sur ses coreligionnaires.

15. Au près du siège de chaque Caïmacam il y aura un Vékil ou Délégué de chacune des autres Caïmacamies, et chargé de représenter les intérêts de ses coreligionnaires.

16. Il y aura un Medjlis Administratif dans chaque Caïmacamie, composé de 5 membres au moins 10 au plus, et chargé spécialement de l'assiette et de la répartition des impôts.

17. Il y aura dans chaque Mudirié un Medjlis Local, composé de 3 membres au moins, 5 au plus, et chargé d'assister le Mudir dans l'exercice de ses fonctions.

18. Dans les Mudiriés dont la population ne serait point homogène, il y aura pour chaque élément constitutif de la population un Vékil qui sera membre de droit du Medjlis Local. Ce Vékil sera nommé par les notables d'entre ses coreligionnaires.

19. Abolition de tous les privilèges féodaux, et notamment de ceux qui appartenaient aux Mokatajdjis.

20. Egalité de tous devant la loi.

21. Il y aura dans chaque Mudirié un Juge de Paix pour chaque rite.

22. Il y aura dans la Montagne 6 Medjlis Judiciaires de Première Instance, savoir, un dans la Caïmacamie Grecque-Orthodoxe; 3 dans la Caïmacamie Maronite, dont un dans le Meten; un à Zahle; et un dans la Caïmacamie Druse.

23. Chaque Medjlis Judiciaire se composera de 3 membres au moins et 5 au plus, selon le nombre des éléments constitutifs de la population, de telle façon que chacun de ces éléments soit représenté par un membre. La présidence sera exercée mensuellement et à tour de rôle par chacun des membres du Medjlis.

Dans le cas où il n'y aurait que deux éléments, le Medjlis Judiciaire sera composé de 3 membres, dont deux fournis par l'élément prépondérant.

24. Il y aura un Medjlis Supérieur siégeant à Beyrouth et composé de 12 membres, savoir, deux Maronites, deux Grecs Orthodoxes, deux Grecs Catholiques, deux Druses, deux Musulmans, et deux Metualis; auxquels on adjoindra éventuellement un représentant des cultes Protestant et Israélite, quand un membre de ces communautés sera partie dans le procès, ou y aura des intérêts

engagés. La présidence de ce Medjlis sera exercée trimestrielle-ment et à tour de rôle par chacun de ses membres.

25. Les Juges de Paix jugeront, sans appel, jusqu'à concurrence de 150 piastres, avec appel au Medjlis Judiciaire de Première Instance, jusqu'à concurrence de 500 piastres.

26. Les affaires au-dessus de 500 piastres seront de la compétence du Medjlis de Première Instance.

27. Les affaires mixtes, c'est-à-dire, entre particuliers n'appartenant pas au même rite, quelle que soit la valeur engagée dans le procès, seront portées devant le Medjlis de Première Instance, à moins que dans les procès au-dessous de 500 piastres, les parties ne soient d'accord pour reconnaître la compétence du Juge de Paix du défendeur.

28. En principe toute affaire sera jugée par la totalité des membres du Medjlis. Néanmoins, quand toutes les parties engagées dans le procès appartiennent au même rite, elles auront le droit de recuser le Juge appartenant à un rite différent. Mais dans ce cas même les Juges récusés devront assister au jugement.

29. En matière criminelle il y aura 3 degrés de juridiction : les contraventions seront jugées par les Juges de Paix ; les délits par le Medjlis de Première Instance ; et les crimes par le Medjlis Supérieur de Beyrouth.

30. Le Vali de Sayda nommera dans chaque Caïmacamie un Procureur Impérial qui devra être choisi parmi les habitants du rite dominant. Ce Procureur sera chargé de constater les crimes et délits, et de provoquer leur répression. Dans la Caïmacamie Maronite le Procureur pourra avoir un ou plusieurs substitués.

31. Tous les membres des Medjlis Administratifs et Judiciaires seront, ainsi que les Juges de Paix, choisis et désignés, après une entente avec les notables, par les Chefs des Communautés respectives, et institués par le Caïmacam.

Le personnel des 3 Medjlis Administratifs sera renouvelé par moitié tous les ans. Les membres sortants pourront être nommés de nouveau.

32. Tous les membres des Medjlis, ainsi que les Juges de Paix, seront rétribués.

Les audiences des Medjlis Judiciaires seront publiques, et il en sera tenu procès-verbal par un Greffier institué *ad hoc*.

Ce Greffier sera en outre chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à cette formalité de l'enregistrement.

33. Si, après enquête, il est prouvé qu'un fonctionnaire de l'ordre judiciaire a prévariqué, ou s'est rendu indigne de son emploi

par un fait quelconque, ce fonctionnaire devra être révoqué, et il sera en outre passible d'une peine proportionnée à la faute qu'il aura commise.

34. Tout procès en matière commerciale sera porté devant le Tribunal de Commerce de Beyrout.

35. Tout procès entre un étranger ou protégé et un habitant de la Montagne, même en matière civile, sera porté devant le Tribunal de Commerce de Beyrout.

36. Chaque Caïmacam aura sous ses ordres un corps de police, avec lequel il devra maintenir l'ordre public dans toute l'étendue de son territoire, faire exécuter les sentences rendues par les Medjlis, et assurer la perception régulière des impôts.

37. L'exécution forcée par garnisaires (havalé) des jugements et des arrêtés administratifs, telle qu'elle s'est pratiquée jusqu'à présent, sera abolie aussitôt que faire se pourra, et remplacée par d'autres modes de contrainte, tels que la saisie ou l'emprisonnement.

38. Tous les agents de la police recevront un traitement suffisant, et il leur sera interdit, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature.

39. Le corps de police se recrutera par la voie des engagements volontaires, et il y aura dans chaque Caïmacamie un Chef de Police pour chaque élément constitutif de la population.

40. Les agents de police, chargés de l'exécution d'un ordre quelconque de l'autorité, devront être, autant que possible, pris parmi les coreligionnaires des individus que cette mesure concernera.

41. Il est indispensable que les agents de la police portent un uniforme ou quelque signe extérieur de leurs fonctions.

42. La Commission estime que, dans chaque Caïmacamie, le corps de police pourrait être établi à raison de 5 hommes par 1,000 habitants.

43. La Commission émet le vœu que le désarmement des populations, une fois opéré dans le reste de la Syrie, il soit procédé dans la Montagne à une mesure analogue.

44. La Commission émet le vœu que la totalité des revenus publics de la Montagne soit exclusivement affectée aux frais de son administration et à ses dépenses d'utilité publique.

L'impôt de 3,500 bourses devant être insuffisant pour subvenir aux dépenses de la nouvelle organisation, la Commission est d'avis que ce chiffre pourrait être doublé sans inconvénient.

En dehors de cet impôt, aucune taxe directe ou indirecte ne pourra être levée, dans aucune des 3 Caïmacamies, sans le consentement de la majorité des membres du Medjlis Administratif.

45. La Commission émet le vœu qu'il soit procédé le plus tôt

possible à un recensement exact de la population de la Montagne par commune et par rite.

46. Au point de vue militaire, la Commission est d'avis que la sécurité de la Montagne serait suffisamment garantie par l'occupation de la route de Beyrout à Damas.

Il serait désirable, selon elle, que les troupes employées à cette occupation fussent, au moins en partie, composées de Chrétiens sujets du Sultan.

En cas de force majeure et sur la demande expresse d'un Caïmacam, approuvée par un vote conforme de son Medjlis Administratif, ces troupes pourront être envoyées partout où besoin sera.

Le Caïmacam ou les membres du Medjlis qui n'auraient pas fait usage du droit de réquisition qui leur est ouvert par le présent Article, seront responsables des conséquences que leur abstention ou leur négligence pourraient avoir sur le maintien de l'ordre dans la Montagne.

47. Le règlement de Chékib Efendi restera en vigueur pour toutes celles de ses dispositions qui ne seraient point contraires aux principes stipulés dans les Articles précédents.

DE WECKBECKER.

Sauf les réserves indiquées dans la pièce ci-jointe,

L. BECLARD.

DUFFERIN AND CLANEBOYE,

DE REHFUES.

NOVIKOW.

Annexe 2.

Beyrout, le 20 Mars, 1861.

Le Commissaire Français, au moment où le projet d'organisation relatif au Liban va être communiqué à son Excellence Fuad Pacha, prend la liberté de rappeler à ses collègues qu'il n'avait consenti à entrer dans la discussion de ce projet qu'à la condition de pouvoir, avant d'y apposer sa signature, exprimer les réserves qui lui paraissent devoir entraîner ultérieurement de profondes modifications dans les principes fondamentaux de l'organisation projetée.

Il remarque d'abord que ce projet repose sur les plusieurs hypothèses dont la réalisation, venant à manquer, déterminerait nécessairement la chute du système tout entier.

Ainsi, l'une de ces hypothèses consiste dans la désagrégation des races, sans laquelle aucun des Commissaires, assurément, n'eût songé à admettre l'institution d'une Caïmacamie Druse.

Une seconde hypothèse est celle qui tend à ajointre au Liban la portion de territoire connue sous le nom de Koura Inférieur. Sans cette adjonction, la Caïmacamie Grecque Orthodoxe n'aurait pas de

raison d'être, car elle ne serait constituée qu'au profit de 4,000 ou 5,000 individus. Il ne faut pas oublier, en effet, que la grande majorité des Grecs Orthodoxes du Liban se trouvent en dehors du Koura, choisi comme siège de la nouvelle Caïmacamie. Avec l'adjonction même du Koura Inférieur, la Caïmacamie Grecque Orthodoxe ne renfermerait qu'une population fort restreinte, 10,000 habitants au plus, parmi lesquels figurerait encore une assez forte minorité Musulmane et Maronite.

Le Commissaire Français remarque en outre que le principe de la désagrégation, si intimement lié qu'il soit au système des 3 Caïmacamies, ne serait rendu applicable qu'à la race Druse, relativement à la race Chrétienne, ce qui ne comporte pas la création de deux Caïmacamies pour cette dernière race. La discussion lui a également révélé un fait sur lequel il croit devoir appeler l'attention particulière de ses collègues, à savoir que la désagrégation, même restreinte, ne pouvait pas être rigoureusement appliquée. Ainsi, on a prévu comme probable le cas où un certain nombre de Chrétiens resteraient fixés sur le territoire de la Caïmacamie Druse. La désagrégation, d'obligatoire qu'elle semblait être, deviendrait facultative. C'est une raison de plus pour le Commissaire Français de repousser de toutes ses forces un partage d'autorité dont l'effet serait de placer des Chrétiens sous la domination Druse.

Le système des 3 Caïmacamies, inutilement compliqué de l'établissement d'une administration mixte à Zahlé, lui paraît tout aussi contraire aux règles de la justice qu'à celles de la logique.

D'une part, si l'on se place au point de vue de la distinction des races, il n'est pas juste d'accorder aux Grecs Orthodoxes une faveur qu'on refuse aux autres minorités, telles que l'élément Grec Catholique, par exemple, lequel, presque aussi nombreux que l'élément Grec Orthodoxe, est représenté dans la Montagne par 20,000 habitants environ.

Le système est illogique en ce sens que, si l'on recherche l'origine et les causes des événements de 1860, il est impossible de ne pas les attribuer en grande partie à ce même fractionnement de l'autorité qui se trouve reproduit dans le projet. Le système des 3 Caïmacamies se rapproche beaucoup, en effet, de celui qui a prévalu en 1842. Or, le régime de 1842 est condamné par l'expérience, tandis que le régime antérieur se recommande par de bons souvenirs. L'état de la Montagne, à cette époque, était certainement plus satisfaisant qu'il ne l'est aujourd'hui. L'antagonisme entre les deux races, Chrétienne et Druse, était contenu par l'autorité d'un seul chef. C'est de l'institution des deux Caïmacamies que datent les malheurs du Liban.

Le Commissaire Français ne voit pas pourquoi cette institution serait conservée, ni pourquoi elle ne devrait pas être l'empirer

par le fait de la substitution de deux Caïmacamies Chrétiennes à une seule. Une telle innovation n'aurait pour résultat que d'introduire entre les divers éléments Chrétiens un antagonisme inconnu jusqu'à ce jour, ou qui du moins ne se traduisait pas par des actes de violence. Ce serait fournir un nouvel aliment à la discorde, au lieu de la faire cesser.

Pour toutes ces causes, M. Béclard ne peut approuver le présent projet, ou du moins le principe qui en est la base. Il persiste à croire qu'il n'y a point de sécurité pour la Montagne, ni de satisfaction réelle pour tous les intérêts, en dehors de la combinaison du pouvoir unique et Chrétien. Le rétablissement de ce pouvoir qu'appellent les vœux de l'immense majorité des habitants, aurait l'avantage de se concilier avec le maintien des frontières actuelles du Liban, et d'écarter l'hypothèse irréalisable de la désagrégation des races. Cette solution, la plus simple de toutes, serait loin d'exclure, d'ailleurs, les garanties qu'on croirait nécessaire de stipuler en faveur des minorités.

L. BECLARD.

(27.)—*Protocol of Twenty-seventh Meeting.*

Beirut, April 22, 1861.

LE 22 Avril, 1861, les Commissaires étant réunis sous la présidence de M. de Rehfuës, Vice-Président, la séance est ouverte à 2 heures.

Abro Efendi, Délégué du Plénipotentiaire Ottoman, transmet à la Commission le texte des observations que l'examen du projet de réorganisation, paraphé par les 5 Commissaires, a suggérées à son Excellence, et qu'il a déjà transmises à la Sublime Porte. (Annexes 1 et 2.)

Il semblerait résulter des termes de cette communication que Fuad Pacha considérerait ce plan comme un acte sur lequel la Porte aurait dès à présent à s'entendre avec les Représentants des Grandes Puissances.

Sur les observations présentées à ce sujet par M. le Commissaire de France, il est reconnu unanimement que le point de vue auquel s'était placé son Excellence le Plénipotentiaire du Sultan, n'a pu être que le résultat d'un malentendu, et que les travaux de la Commission, tant en ce qui concerne le projet de réorganisation que pour toutes les autres questions au règlement desquelles la Commission aurait reçu l'ordre de concourir, ne peuvent être clos que par l'envoi d'un rapport collectif à leurs Gouvernements.

La séance est levée à 3 heures.

(Suivent les signatures.)

*Annexe 1.**Le 19 Avril, 1861.**Observations de son Excellence
Fuad Pacha.**Beirut, le 20 Mars, 1861.**Projet de Réorganisation de la
Montagne.*

1. IL sera procédé à la séparation ethnographique des Chrétiens et des Druses.

2. En opérant cette mesure de désagrégation, on tiendra également compte des intérêts de chaque population.

3. L'exécution en sera confiée, sous la surveillance de l'autorité locale et des Agents des 5 Puissances, à une Commission Mixte, dans laquelle les diverses populations seront représentées.

Les Chrétiens ou les Druses qui refuseraient de se prêter à l'exécution de la mesure de désagrégation, n'y seront pas contraints par la force. Mais il est bien entendu que, dans ce cas, ils devront se soumettre au régime des nouvelles institutions ci-après indiquées.

4. La Commission émet le vœu que les habitants Chrétiens de Hasbeya, Racheya, et Merdjaïoun soient compris dans le travail de déplacement susmentionné, et appelés à jouir de ses bénéfices.

5. *En conséquence, la Montagne sera divisée en 3 Coïmacies, une Maronite, une Grecque Orthodoxe, et une Druse, qui seront administrées par des chefs indigènes, choisis dans le sein des populations respectives.*

5. Le Mont Liban sera divisé en 5 districts, sous les dénominations de—

(1.) Koura, extrême partie septentrionale de la Montagne.

(2.) Kesrowan avec Metn, et sans la ville de Zahlé.

(3.) El-Garb composé des territoires d'El Garb, Djurd, Arkoub, Chouf, Menassif, et Chahroun, sauf la portion qu'il sera nécessaire de donner au district

*Observations de son Excellence
Fuad Paoha.*

d'Iklima-Kharoub pour y réunir la ville de Dier-el-Kamar.

(4.) Iklima-Kharoub, avec la ville de Dier-el-Kamar.

(5.) Djezzin, extrême partie méridionale de la Montagne.

6. Chaque district aura un Caïmacam qui sera choisi dans le sein de chaque population qui forme la majorité.

En conséquence, les districts du Kesrowan et de Djezzin auront chacun un Caïmacam Maronite.

Le district d'El-Garb aura un Caïmacam Druse, et le district d'Iklima-Kharoub un Caïmacam Musulman.

La ville de Zahlé formera à elle seule une administration séparée, avec un Caïmacam, nommé pour 3 ans, et choisi alternativement dans le sein des populations Grecque, Maronite, et Grecque-Catholique.

*Projet de Réorganisation de la
Montagne.*

6. La Caïmacamie Druse, autant du moins que les nécessités de la mesure de désagrégation le permettront, se composera des territoires suivants :

El-Garb, sauf la portion qu'il serait indispensable d'en détacher pour réunir les deux parties septentrionale et méridionale de la Caïmacamie Maronite; le Djurd; l'Arkoub; le Chouf; le Menassif, en partie, et le Chehar (voir la carte de Kiepert, 1860).

7. La Caïmacamie Grecque-Orthodoxe sera composée du Kou-ra, y compris la partie inférieure et les fractions de territoire avoisinantes dans lesquelles la population Grecque-Orthodoxe serait en majorité.

8. Tous les territoires de la Montagne qui ne font point partie des deux Caïmacamies Druse et Grecque-Orthodoxe, seront compris dans la Caïmacamie Maronite, sauf Zahlé qui, avec sa banlieue et son faubourg de Mohallacah, sera placée sous une Administration Mixte, dépendante du Fuli de Sayda, au même titre que les 3 Caïmacams Maronite, Grecque-Orthodoxe, et Druse.

*Observations de son Excellence
Fusad Pacha.*

*Projet de Réorganisation de la
Montagne.*

9. Les Caimacams seront nommés par la Sublime Porte sur la proposition du Vali de Sayda, dont ils relèvent.

Ils seront chargés de toutes les attributions de pouvoir exécutif, et nommément de présider les Medjlis Administratifs; de choisir les Vekils délégués auprès du siège de chaque Caïmacamie; de composer le personnel du corps de police conformément aux règles qui seront posées ci-après; de servir d'intermédiaires entre les habitants de leur Caïmacamie et le Vali de Sayda; d'exécuter les décisions de ce fonctionnaire, en tant du moins qu'elles seraient d'accord avec les institutions de la Montagne, *et d'exercer en cas de besoin contre lui un recours auprès de la Sublime Porte.*

ils pourront s'adresser directement, en cas de besoin, à la Sublime Porte.

10. Chaque Caïmacamie sera divisée en Mudiriés, et la circonscription de ces nouveaux arrondissements administratifs sera réglée autant que possible d'après celle des anciens Aklims.

par le Vali de Sayda, sur la proposition du Caïmacam dont il relève,

11. Il y aura dans chaque Mudirié un Mudir, nommé *par le Caïmacam* et appartenant au rite dominant de la population, lequel sera chargé de la direction des services publics et notamment de la police et de la perception des impôts.

12. Chaque Mudirié sera divisé en un certain nombre de communes, et chaque commune se composera d'au moins 500 habitants.

13. A la tête de chaque com-

*Observations de son Excellence
Fuad Pacha.*

par le Caïmacam sur la proposition des

*Projet de Réorganisation de la
Montagne.*

mune il y aura un Cheik nommé *par les* habitants, et qui servira d'intermédiaire entr'eux et les agents supérieurs de l'administration.

Le Cheik veillera au maintien du bon ordre dans sa commune, fournira tous les renseignements statistiques nécessaires à la répartition de l'impôt, et assistera les Mudirs dans la perception des contributions. Il sera en outre chargé de tenir un registre des naissances et des décès.

14. Dans les communes Mixtes chaque élément constitutif de la population aura un Cheik particulier dont l'autorité ne s'exercera que sur ses coreligionnaires.

15. Au près du siège de chaque Caïmacam il y aura un Vékil ou Délégué de chacune des autres Caïmacamies, et chargé de représenter les intérêts de ses coreligionnaires.

16. Il y aura un Medjlis Administratif dans chaque Caïmacamie, composé de 5 membres au moins, 10 au plus, et chargé spécialement de l'assiette et de la répartition des impôts.

17. Il y aura dans chaque Mudirié un Medjlis local, composé de 3 membres au moins, 5 au plus, et chargé d'assister le Mudir dans l'exercice de ses fonctions.

18. Dans les Mudiriés dont la population ne serait point homogène, il y aura pour chaque élément constitutif de la population un Vékil qui sera membre de droit du Medjlis local. Ce Vékil

*Observations de son Excellence
Fuad Pacha.*

*Projet de Réorganisation de la
Montagne.*

sera nommé par les notables d'entre ses coreligionnaires.

19. Abolition de tous les privilèges féodaux, et notamment de ceux qui appartenaient aux Mokatadjis.

20. Egalité de tous devant la loi.

21. Il y aura dans chaque Mudirié un juge de paix pour chaque rite.

22. Il y aura dans la Montagne six Medjlis Judiciaires de première instance, savoir :

Un dans la Caïmacamie Grecque Orthodoxe ; 3 dans la Caïmacamie Maronite, dont un dans le Meten ; un à Zahlé ; et un dans la Caïmacamie Druse.

23. Chaque Medjlis Judiciaire se composera de 3 membres au moins et 5 au plus, selon le nombre des éléments constitutifs de la population, de telle façon que chacun de ses éléments soit représenté par un membre. La présidence sera exercée mensuellement et à tour de rôle par chacun des membres du Medjlis.

Dans le cas où il n'y aurait que deux éléments, le Medjlis Judiciaire sera composé de 3 membres, dont deux fournis par l'élément prépondérant.

24. Il y aura un Medjlis supérieur, siégeant à Beyrout, et composé de 12 membres, savoir : deux Maronites, deux Grecs-Orthodoxes, deux Grecs-Catholiques, deux Druses, deux Musulmans, deux Metualis ; auxquels on ajoutera éventuellement un représentant des Protestes-

chaque Caïmacamie un

*Observations de son Excellence
Fuad Pacha.*

* par le Président du Grand Conseil Provincial de Sayda, et, en son absence, chacun de ses membres remplira. . . † les fonctions de Vice-Président.

Ce Medjlis sera en même temps un Conseil pour le Vali de Sayda pour les affaires générales de la Montagne. Il pourra y adjoindre deux délégués de chaque Caïmacamie, toutes les fois qu'il s'agira de discuter une affaire importante, concernant l'administration générale de la Montagne.

*Projet de Réorganisation de la
Montagne.*

tant et Israélite, quand un membre de ces communautés sera partie dans le procès, ou y aura des intérêts engagés. La présidence de ce Medjlis sera exercée* . . . † trimestriellement et à tour de rôle *par chacun de ses membres.*

25. Les juges de paix jugeront sans appel jusqu'à concurrence de 150 piastres, et avec appel au Medjlis Judiciaire de première instance jusqu'à concurrence de 500 piastres.

26. Les affaires au-dessus de 500 piastres seront de la compétence du Medjlis de première instance.

27. Les affaires mixtes, c'est-à-dire, entre particuliers n'appartenant pas au même rite, quelle que soit la valeur engagée dans le procès, seront portées devant le Medjlis de première instance, à moins que dans le procès au-dessous de 500 piastres, les parties ne soient d'accord pour reconnaître la compétence du juge de paix du défendeur.

28. En principe toute affaire sera jugée par la totalité des membres du Medjlis. Néan-

*Observations de son Excellence
Foad Pacha.*

*Projet de Réorganisation de la
Montagne.*

moins, quand toutes les parties engagées dans le procès appartiennent au même rite, elles auront le droit de récuser le juge appartenant à un rite différent. Mais dans ce cas même les juges recusés devront assister au jugement.

29. En matière criminelle il y aura 8 degrés de juridiction :

Les contraventions seront jugées par Juges de Paix ; les délits par le Medjlis de première instance ; et les crimes par le Medjlis supérieur de Beyrout.

30. Le Vali de Sayda nommera dans chaque Caïmacamie un Procureur Impérial qui devra être choisi *parmi les habitants du rite dominant*. Ce Procureur sera chargé de constater les crimes et délits et de provoquer leur répression. *Dans la Caïmacamie Maronite le Procureur pourra avoir un ou plusieurs substituts.*

en dehors de ses

Le Procureur, sans s'ingérer dans les attributions du pouvoir exécutif, exercera de la part du Vali de Sayda un contrôle sur la conduite de la police locale.

31. Tous les membres des Medjlis Administratifs et Judiciaires seront, ainsi que les Juges de Paix, choisis et désignés, après une entente avec les notables, par les Chefs des Communautés respectives, et institués par le Caïmacam.

Le personnel des 3 Medjlis Administratifs sera renouvelé par moitié tous les ans. Les membres sortants pourront être nommés de nouveau.

32. Tous les membres des Medjlis, ainsi que les juges de paix, seront rétribués.

*Observations de son Excellence
Fuad Pacha.*

Ce greffier sera en outre chargé de l'enregistrement des transferts des biens immobiliers qui seront assujettis aux titres réguliers de possession dont chaque propriétaire doit être muni, sans que cela porte aucun changement à la condition de propriété établie dans la Montagne.

*Projet de Réorganisation de la
Montagne.*

Les audiences des Medjlis Judiciaires seront publiques, et il en sera tenu procès-verbal par un greffier institué *ad hoc*.

Ce greffier sera en outre chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à cette formalité de l'enregistrement.

33. Si, après enquête, il est prouvé qu'un fonctionnaire de l'ordre judiciaire a prévariqué, ou s'est rendu indigne de son emploi par un fait quelconque, ce fonctionnaire devra être révoqué, et il sera en outre passible d'une peine proportionnée à la faute qu'il aura commise.

34. Tout procès en matière commerciale sera porté devant le Tribunal de Commerce de Beyrout.

35. Tout procès entre un étranger ou protégé et un habitant de la Montagne, même en matière civile, sera porté devant le Tribunal de Commerce de Beyrout.

36. Chaque Caïmacam aura sous ses ordres un corps de police, avec lequel il devra maintenir l'ordre public dans toute l'étendue de son territoire, faire exécuter les sentences rendues par les Medjlis, et assurer la perception régulière des impôts.

37. L'exécution forcée par garsaires (havalé) des jugements et des arrêtés administratifs, telle qu'elle s'est pratiquée jusqu'à

*Observations de son Excellence
Fuad Pacha.*

*Projet de Réorganisation de la
Montagne.*

présent, sera abolie aussitôt que faire se pourra, et remplacée par d'autres modes de contrainte, tels que la saisie ou l'emprisonnement.

38. Tous les agents de la police recevront un traitement suffisant, et il leur sera interdit, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature.

39. Le corps de police se recrutera par la voie des engagements volontaires et il y aura dans chaque Caïmacamie un chef de police pour chaque élément constitutif de la population.

40. Les agents de police, chargés de l'exécution d'un ordre quelconque de l'autorité, devront être, autant que possible, pris parmi les coreligionnaires des individus que cette mesure concernera.

41. *Il est indispensable que les agents de la police portent un uniforme ou quelque signe extérieur de leurs fonctions.*

42. La Commission estime que, dans chaque Caïmacamie, le corps de police pourrait être établi à raison de 5 hommes par 1,000 habitants.

43. La Commission émet le vœu que le désarmement des populations une fois opéré dans le reste de la Syrie, il soit procédé dans la Montagne à une mesure analogue.

44. *La Commission émet le vœu que la totalité des revenus publics de la Montagne soit exclusivement affectée à son adminis-*

Les agents de la police dans la Montagne porteront le même uniforme et les mêmes armes que ceux qui seront donnés aux agents de police de la province de Sayda, avec une marque distinctive pour chaque district.

La contribution de la Montagne sera fixée par un impôt foncier conformément aux lois de répartition qui sont établies dans

*Observations de son Excellence
Fuad Pacha.*

les villes et provinces cadastrées de l'Empire. Une partie de cet impôt sera allouée, comme revenu municipal, aux districts de la Montagne pour les travaux publics, et notamment pour les routes et les chemins vicinaux. L'autre partie sera versée dans le caissé de l'Etat, qui doit pourvoir à toutes les dépenses de l'administration locale.

* ainsi qu'à un cadastre général.

Les routes de Beyrout à Damas, à Sayda, et à Tripoli seront occupées par les troupes Impériales par l'établissement de postes militaires, et il y aura une garnison à Reit-Eddin.

† c'est-à-dire, lorsqu'il y aura un conflit entre deux populations ou soulèvement de l'une contre l'autre, le Vali de Sayda pourra, sous sa propre responsabilité, ou en prenant un mazbata, signé par la majorité des membres du Medjlis de la Montagne, siégeant à Beyrout, envoyer ces troupes partout où besoin sera.

En outre ces troupes peuvent être employées, lorsqu'il y aura une† et sur la

*Projet de Réorganisation de la
Montagne.*

tration et à ses dépenses d'utilité publique.

L'impôt de 3,500 bourses devant être insuffisant pour subvenir aux dépenses de la nouvelle organisation, la Commission est d'avis que ce chiffre pourrait être doublé sans inconvénient.

En dehors de cet impôt, aucune taxe directe ou indirecte ne pourra être levée, dans aucune des 3 Caïmacamies, sans le consentement de la majorité des membres du Medjlis Administratif.

45. La Commission émet le vœu qu'il soit procédé le plus tôt possible à un recensement exact de la population de la Montagne par commune et par rite.*

46. Au point de vue militaire, la Commission est d'avis que la sécurité de la Montagne serait suffisamment garantie par l'occupation de la route de Beyrout à Damas.

Il serait désirable, selon elle, que les troupes employées à cette occupation fussent, au moins en partie, composées de Chrétiens sujets du Sultan.

En cas de force majeure†

*Observations de son Excellence
Fuad Pacha,*

*Projet de Réorganisation de la
Montagne.*

demande expresse d'un Caïmacam approuvés par un vote conforme de son Medjlis Administratif, ces troupes pourront être envoyées partout où besoin sera.

Le Caïmacam, ou les membres du Medjlis qui n'auraient pas fait usage du droit de réquisition qui leur est ouvert par le présent Article, seront responsables des conséquences que leur abstention ou leur négligence pourrait avoir sur le maintien de l'ordre dans la Montagne.

47. Le règlement de Chekib-Efendi restera en vigueur pour toutes celles de ses dispositions qui ne seraient point contraires aux principes stipulés dans les Articles précédents.

F.

W.

Sauf les réserves indiquées dans la pièce ci-jointe :

B.

D. C.

B.

N.

Annexe 2.—Rapport des motifs.

Le 19 Avril, 1861.

Le Plénipotentiaire Impérial, ayant examiné attentivement le projet de réorganisation de la Montagne rédigé et paraphé par MM. les Commissaires, a cru devoir, tout en l'en admettant, *ad referendum*, dans sa majeure partie, comme il l'a déclaré, à la Commission, faire des modifications dans quelques-uns de ses Articles. Il juge donc nécessaire de donner ici un aperçu succinct de tous les Articles du susdit projet et d'expliquer les observations faites à la marge du texte.

Le Plénipotentiaire Impérial admet le principe de désagrégation, et croit, sans méconnaître certaines difficultés de détails, que la dislocation des éléments divers, survenue à la suite des derniers événements, a rendu praticable l'exécution de cette mesure. Aussi il n'apporte aucune modification aux Articles 1, 2, 3, et 4.

La division de la Montagne en 3 Caïmacamies ne peut satisfaire tous les besoins. La population Musulmane étant en majorité dans le district d'Iklima-Kharoub, il lui faut non-seulement une Caïmacamie qui doit comprendre la ville de Deir-el-Kamar, mais cette ville, étant habitée par des Chrétiens, ne peut pas être donnée à la Caïmacamie Druse. En outre Djezzin, séparée par une grande distance du Kesrouan, ne peut, quand même une portion du territoire Druse serait donné aux Maronites pour lier les deux parties méridionale et septentrionale de cette Caïmacamie, être administrée régulièrement et avec une active surveillance par un seul Caïmacam Maronite. Il faut donc créer deux Caïmacamies Maronites, dont l'une pour le Kesrouan et l'autre pour Djezzin. Ce qui porte à 5 le nombre des Caïmacamies, dont chacune aura le nom du district. Le principe d'une administration mixte est maintenu pour Zahlé, mais le projet ne définit pas la forme de cette administration. Le Commissaire Impérial émet l'opinion qu'un Caïmacam, nommé à terme et pris alternativement du sein des éléments dominants de cette ville, peut atteindre le but qu'on se propose. C'est dans ce sens que les Articles 5, 6, 7, et 8 sont modifiés.

L'Article 9 est admis avec une légère modification. Le recours que les Caïmacams exerceront contre le Gouverneur de Sayda auprès de la Sublime Porte pouvant dégénérer en une espèce de contrôle des actes du Vali, le Plénipotentiaire a eu soin de changer la rédaction du membre de phrase qui y est relatif. L'Article X ne donne lieu à aucune observation.

C'est pour donner plus de poids et d'éclat à la nomination des Mudirs que le Plénipotentiaire laisse cette prérogative au Vali de Sayda, sans cependant priver les Caïmacams du droit de choisir leurs subordonnés. Les Mudirs dans les autres parties de l'Empire sont nommés, sur la proposition des Gouverneurs, par la Sublime Porte; mais le Plénipotentiaire, pour éviter tout retard qu'une pareille formalité occasionnerait à chaque nomination de Mudir, s'est arrêté à ce parti.

L'Article 12 est maintenu, et le 3^{me} également, sauf une légère modification. Les Cheiks, nommés par les Caïmacams, peuvent avoir plus d'autorité sur leurs administrés.

Le Plénipotentiaire ne trouve rien à observer depuis l'Article 14 jusqu'au 23^{me}, sauf quelques légers changements introduits dans l'Article 22.

L'Article 24 indique le mode de présidence du Conseil Supérieur, siégeant à Beyrout. Les membres de ce Conseil, hommes peut-être sans expérience, seraient incapables de présider un Conseil d'une si grande importance. Le Plénipotentiaire croit donc plus régulier que la présidence soit exercée par le Président du Grand Conseil de la Province, non-seulement parce que ce dernier exerce-

rait un contrôle sur le susdit Conseil, mais encore parce que le Vali s'en servirait comme corps délibérant pour les affaires de la Montagne. Les Article 25, 26, 27, 28, et 29 sont maintenus.

Quant aux modifications faites à l'Article 30, en voici la raison. Il est évident que les grands conflits prennent leur source dans les crimes isolés, restés impunis. Le Procureur, en ayant soin de signaler ces crimes et d'en provoquer la répression, rendra de grands services. Mais il est indispensable que ces actes soient dictés par la plus stricte impartialité. Si le Procureur est pris parmi les indigènes, il est douteux qu'il soit toujours porté à employer cette stricte impartialité qu'un autre, étranger au pays, serait plus disposé à montrer. En outre il n'est pas moins utile, vu sa mission, que le Procureur exerce une sorte de contrôle sur la conduite de la police de la Montagne.

L'Article 31 est complètement admis.

La possession des biens immobiliers se faisant dans les autres parties de l'Empire en vertu de titres réguliers, le Plénipotentiaire croit devoir modifier en ce sens cette partie de l'Article 32, sans changer pourtant la condition de propriété établie dans la Montagne.

Les Articles 33, 34, 35, 36, 37, 38, 39, et 40 ne donnent lieu à aucune observation.

De nouveaux règlements seront promulgués bientôt sur l'équipement et l'habillement des agents de police de tout l'Empire. Aussi le Commissaire Impérial croit-il que les agents de police de la Montagne doivent se conformer à ceux de Sayda, comme faisant partie de cette province, et c'est dans ce but que l'Article 41 est modifié.

Les Articles 42 et 43 sont maintenus.

Le Gouvernement Impérial ayant établi l'impôt foncier sur le cadastre général de l'Empire, la contribution de la Montagne doit être assujettie à cette mesure générale pour effectuer une répartition juste et équitable qui sauvegarde et les intérêts du Gouvernement et ceux des particuliers. Le Plénipotentiaire ne peut donc admettre l'Article 44 ; il y substitue ce qui est rationnel. L'impôt foncier sera perçu et versé au Trésor de l'Etat. Une partie de cet impôt sera affectée aux travaux publics, et l'Etat pourvoira, comme partout, aux dépenses de l'administration locale.

L'Article 45 est admis avec l'addition de quelques mots.

Venant à l'Article 46, le Plénipotentiaire du Sultan trouve que l'occupation militaire de la route de Beyrout à Damas ne suffit pas au maintien de l'ordre. Il pense que les routes de Beyrout à Sayda et à Tripoli étant fréquentées, les communications entre ces villes doivent aussi être assurées par des garnisons militaires. En outre Beit-Eddin se trouvant situé au milieu de la population Druse, et

au chef-lieu de la Caïmacamie Musulmane qui sera créée, il est nécessaire d'y maintenir une garnison, afin que le bon ordre et la tranquillité ne soient pas troublés.

Le Vali de Sayda étant tenu responsable des désordres de la Montagne, il est juste de lui donner l'initiative de l'emploi des forces militaires en cas de nécessité. Il ne peut être responsable que lorsqu'il a la liberté d'action. Quand les habitants d'un district se soulèvent contre ceux des autres et que le Chef de l'Administration est entraîné par ce mouvement général, ce Chef n'aura certainement pas recours au Vali. Le Plénipotentiaire croit donc indispensable de laisser à ce Gouverneur la liberté de prendre telles mesures militaires qui seraient nécessaires, ou de sa propre initiative, ou bien en prenant un mazbata du Conseil de la Montagne qui siégera à Beyrout.

Enfin l'Article 47 et dernier est maintenu.

Quant aux questions d'employer des troupes dont une partie serait composée de Chrétiens sujets du Sultan, d'adjoindre le Koura Inférieur à la Caïmacamie Gracque et le Mouhallaka à Zahlé, le Plénipotentiaire Impérial croit devoir s'en référer à la Sublime Porte.

F.

(28.)—*Protocol of Twenty-eighth Meeting.*

Beyrout, April 29, 1861.

Le Lundi, 29 Avril, 1861, tous les Commissaires étant réunis à Beyrout sous la présidence de M. de Bahfues, Vice-Président, la séance est ouverte à deux heures.

Le procès-verbal est lu et adopté.

M. le Délégué Ottoman communique à la Commission une déclaration par laquelle 4 médecins attestant que Said Bey Djoumbat est atteint d'une maladie qui exclut toute possibilité de guérison, et recommandant de le placer dans un local où il puisse recevoir les soins de sa famille. Son Excellence Fuad Pacha, avant de donner suite à cette demande, a voulu consulter la Commission. Les Commissaires ne croient devoir prendre aucune part, même consultative, à une mesure de détail administratif qui n'est point de leur compétence. M. le Délégué Ottoman demande que la déclaration des médecins soit annexée au procès-verbal (Annexe No. 1).

M. le Commissaire Britannique appelle, comme il a déjà essayé de le faire plusieurs fois, l'attention de ses collègues sur la position faite aux Druses par l'attitude hostile des populations Chrétiennes. Il résulte de renseignements positifs, émanés d'un missionnaire Américain, personnage entièrement digne de foi, que ces jours derniers des Druses qui venaient à Beyrout déguisés en Chrétiens, comme ils sont obligés de le faire, ont été attaqués à main armée

dans les environs de Hadeth ; que les mulets, dérobés aux Druses par les agresseurs Chrétiens, ont été conduits à Hadeth, où les soldats Ottomans, informés de cette affaire, n'ont pas osé aller les chercher. Dernièrement, d'après d'autres renseignements, un bœuf a été enlevé dans les environs de Zouk à un Druse qui n'a pu en obtenir la restitution qu'à la condition de payer 300 piastres au voleur. D'autres renseignements prouvent que, pour venir à Beyrout, les Druses sont obligés de se déguiser. Tous ces faits sans grande importance en eux-mêmes, mais qui se renouvellent fréquemment, sont, aux yeux de Lord Dufferin, l'indice d'une situation grave. Ils attestent que la sécurité ne règne point dans le pays, et que la masse des Druses qui n'a point mérité d'être atteinte par la répression, ne jouit d'aucune sécurité par suite de l'attitude hostile et menaçante des Chrétiens, attitude à laquelle rien ne vient faire obstacle, et que tout au contraire semble encourager. Lord Dufferin, pour la dernière fois et afin de mettre sa responsabilité à couvert sur les conséquences que pourrait avoir un tel état de choses, si l'on n'y mettait un terme, demande formellement aujourd'hui que son Excellence le Commissaire Ottoman soit invité par la Commission à prendre les mesures nécessaires pour le faire cesser.

M. de Rehfuès demande, si pour les délits qui viennent d'être rapportés et tous ceux du même genre, l'autorité a sévi contre les coupables, et si elle s'est d'abord assuré les moyens de mettre la main sur eux.

M. le Délégué Ottoman répond qu'il serait dans l'impossibilité de donner aucune information exacte à ce sujet. Il en référera à Fuad Pacha.

M. Novikow rappelle que, d'après un projet récemment communiqué, tous les délits particuliers devaient être soumis à la juridiction d'un Tribunal Provisoire : ce Tribunal fonctionne-t-il ?

M. le Délégué Ottoman répond qu'il n'a pas encore pu être formé.

M. Bécларd se proposait, dit-il, de faire la même question. Il avait aussi l'intention de présenter à la Commission quelques observations sur l'établissement de cette juridiction essentiellement provisoire. Ces observations, il les fera avec d'autant plus de raison qu'il vient d'apprendre que le Tribunal Mixte n'avait pas encore été institué. Il est utile, selon lui, d'examiner les termes du document communiqué à ce sujet par Fuad Pacha avant son départ pour Damas. Selon M. Bécларd, l'institution arrêté il y a un mois, en vue des besoins du moment, et qui ne fonctionne pas encore, tend à transporter à Beyrout le siège des instructions judiciaires non seulement pour la partie de la Montagne provisoirement soumise à un régime exceptionnel, mais encore pour toute la partie de la Montagne où le régime légal ordinaire n'a pas cessé

d'être en vigueur. Il appartient à la Commission de réserver la juridiction du Medjlis de la Caïmacamie du Nord. Ce Medjlis est-il en dissolution ? Qu'on le reconstitue. Mais le ressort du Medjlis Provisoire et Extraordinaire dont la formation a été projetée, ne peut s'étendre que sur le territoire de la Caïmacamie du Sud, soumis lui-même au régime provisoire de l'état de siège. D'ailleurs ce n'est point dans le Nord que se commettent les faits du genre de ceux qui viennent d'être signalés par M. le Commissaire Britannique. C'est dans le Sud : que le Nord conserve donc ses institutions.

Lord Dufferin fait observer que de pareils incidents ont lieu partout où il y a des Druses, et par conséquent dans le Meten, district Mixte de la Caïmacamie Maronite.

M. Bécлар admet alors que la juridiction exceptionnelle du Tribunal projeté puisse s'étendre jusqu'au fleuve du Chien.

Quant aux faits de détail rapportés par Lord Dufferin, et qui seraient dans l'opinion de sa Seigneurie l'indice d'une attitude hostile et menaçante des Chrétiens contre les Druses, M. le Commissaire de France éprouve quelque embarras à leur attacher autant d'importance que veut bien le faire M. le Commissaire Britannique. En tout pays et en tout temps, on a toujours volé des bœufs et des mulets. Ces délits, dont il ne nie point la gravité, tombent sous le coup de la loi ordinaire ; c'est à la police à les prévenir, aux Juges à les réprimer. M. le Commissaire Français aperçoit difficilement en quoi ils pourraient motiver l'intervention des Commissaires des 5 Grandes Puissances. S'ils sont l'indice d'un état de choses fâcheux, et si quelques-uns d'entre les Druses ne croient pas pouvoir venir à Beyrout sans se déguiser, il est prouvé que la nation Druse est encore aujourd'hui dans un certain état de malaise et d'inquiétude ; quel moyen la Commission a-t-elle d'empêcher cela ? La communication que vient de faire Lord Dufferin s'appuie sur ce fait que l'œuvre de la répression doit être considérée comme entièrement close. Il serait fort à désirer en effet qu'il en fût ainsi. Malheureusement cette clôture n'a pas eu lieu, bien que les Commissaires aient fait tous leurs efforts pour atteindre ce résultat. Si les quelques violences isolées qui ont lieu de temps en temps dans la Montagne dérivent de l'état de lutte des deux races, que l'on y mette un terme, en donnant aux Chrétiens les satisfactions dues, et la Commission ne pourrait à cet égard qu'émettre des vœux déjà 1,000 fois exprimés. Si ce ne sont que des faits isolés, sans caractère politique, c'est à la justice, à l'autorité locale à s'en occuper.

M. le Commissaire d'Autriche incline à penser que ces faits doivent attirer l'attention de la Commission. C'est le défaut complet de police locale qui les rend possibles, et qui empêche que les Druses ne puissent venir à Beyrout en sécurité. La Montagne que l'on croit pacifiée, se trouve encore en état de guerre, et c'est à

proximité de Beyrout, c'est tout près du camp des troupes auxiliaires, au milieu des détachements de troupes Ottomanes, que ces tentatives à main armée peuvent se commettre impunément. M. de Weckbecker croit devoir en conséquence appuyer la motion de Lord Dufferin, et il lui paraît qu'un appel de la Commission à la sollicitude du Représentant du Gouvernement Ottoman n'aurait rien que d'opportun.

M. de Rehfuës trouve que depuis 6 mois il a formulé tant de vœux d'une nature analogue, et restés sans aucun succès, qu'il serait peut-être plus pratique de tourner autrement la question, et de demander à M. le Délégué Ottoman de vouloir bien faire immédiatement connaître quels sont les empêchements qui s'opposent à ce que le Gouvernement du Sultan fasse la police, et institue le Tribunal dont il a dernièrement annoncé la formation.

M. le Délégué Ottoman se réserve de les indiquer ultérieurement.

M. Novikow pense que dans l'état actuel des choses la répression n'étant pas terminée, puisque les principales sentences de condamnation n'ont pas été exécutées, il n'est que très naturel que des actes de représailles se commettent par les Chrétiens contre les Druses. Il les trouve sans doute déplorables, mais il ne peut oublier qu'il a toujours dit que la paix ne pouvait être rétablie dans la Montagne que quand l'œuvre de la répression serait définitivement terminée. Il serait fort porté à attirer l'attention de Fuad Pacha sur cet état de choses, mais l'intention de son Excellence a déjà été attirée plusieurs fois sur le même objet, et M. le Commissaire Russe ne voit pas dans quel sens la Commission pourrait formuler une nouvelle représentation.

Lord Dufferin est d'avis que la chose est parfaitement claire. Il a reçu des renseignements nombreux qui lui prouvent que les Chrétiens sont portés à céder à de mauvaises inspirations, et que le moment est venu pour l'autorité Ottomane de prendre des précautions très sérieuses. Il a signalé des faits avec modération et s'est décidé à troubler encore une fois la quiétude de ses collègues, afin de mettre à couvert sa responsabilité.

M. le Commissaire de France ne croit pas que celle des Chrétiens en général puisse être atteinte par le récit des faits susmentionnés. La responsabilité de tous les faits isolés de ce genre pourra être imputée à qui l'on voudra, sauf aux Chrétiens. Cet état de malaise et de souffrance que tout le monde déplore, a été souvent constaté par la Commission, et l'on est malheureusement fondé à dire qu'il s'aggrave au lieu de s'améliorer. D'où cela provient-il ? Devons-nous l'attribuer à quelques délits isolés, commis par des Chrétiens sur des Druses, ou par des Druses sur des Chrétiens ? La raison se refuse à la croire. En présence des promesses qui ont été faites

aux Chrétiens, et dont pas une seule n'a été tenue jusqu'à ce jour, il est naturel que cet état de crise persiste. Il fallait réprimer promptement et sévèrement des crimes commis dans des proportions inouïes. Cette répression a-t-elle eu lieu ? La réparation des dommages, soufferts par les populations Chrétiens, était le second point du programme. A-t-elle été donnée ? Quelques à-comptes dérisoires ont été inégalement distribués. Dans un grand nombre de localités, un sixième des sommes reconnues nécessaires pour la construction des maisons a été délivré ; mais à quoi cela pouvait-il servir ? Les victimes mouraient de faim ; elles l'ont dépensé pour vivre, et ne sont pas aujourd'hui plus avancées qu'auparavant. Reste le troisième point : la réorganisation du pays, l'institution d'un pouvoir capable de protéger ses administrés et de maintenir l'ordre au sein des populations. Les Chrétiens l'attendent patiemment. Elle aura lieu, mais ce n'est encore qu'une espérance. Ainsi, depuis tout à l'heure 11 mois, de toutes les promesses faites pas une n'est réalisée, et le mal ne va qu'en augmentant. Nul n'a souhaité plus ardemment que M. le Commissaire de France une reconciliation pleine et entière entre les Chrétiens et les Druses. Mais pour qu'un tel résultat pût être obtenu, il faudrait clore l'ère de la répression. Or, cela ne dépend plus de la Commission. Il appartient à qui de droit d'exécuter les sentences légalement rendues par les Tribunaux de l'Empire, et de donner enfin aux Chrétiens, au moins sur ce point, les satisfactions qui leur sont dues.

Lord Dufferin ne s'attendait point à ce que, à propos des faits qu'il a rapportés, on reviendrait sur un débat déjà terminé. Mais puisqu'on l'a fait, il est conduit à examiner la valeur des appréciations auxquelles M. le Commissaire de France vient de se livrer. Il a dit que la répression n'était pas terminée, parce que les sentences rendues n'étaient pas toutes exécutées. Mais 250 Druses ont été transportés dernièrement à Tripoli de Barbarie. Il a été convenu que les autres détenus de Mokhtara, condamnés à mort, ne seraient point exécutés, et que leur peine serait commuée d'un degré. Quant aux 11 détenus de Beyrouth, il s'est produit dans le sein même de la Commission une dissidence d'opinions, qui a amené des retards inévitables. Il n'est donc pas exact de dire que rien n'a été fait.

Au surplus Lord Dufferin ne voit pas quel rapport il y a entre ces questions et celle qu'il a posée. Dans l'état actuel des choses, les Druses ne peuvent venir à Beyrouth sans se déguiser. Dans l'opinion de Lord Dufferin, c'est là un fait qui rejaillit d'une manière fâcheuse sur Fuad Pacha et les autres Commissaires.

M. le Commissaire de France déclare qu'il est disposé à s'intéresser aux souffrances des Druses, mais avant tout à celles des Chrétiens. Qu'on mette un terme aux souffrances des Chrétiens, alors il s'intéressera aux Druses.

M. de Délégué Ottoman croit que les souffrances des populations ne cesseront que quand toutes les causes de troubles auront disparu de la Montagne.

M. de Weckbecker pense que cet état de choses s'explique sans se justifier. Les Chrétiens voient encore aujourd'hui dans les Druses les détenteurs de leurs biens. Mais c'est aux autorités à s'interposer, et la Commission pourrait, ainsi que le demande Lord Dufferin, les y inviter.

M. de Rehues avoue que le malaise des populations persiste et ne fait qu'augmenter, mais il voudrait, avant de remettre aucune note à Fuad Pacha, qu'il fut bien prouvé qu'en général un état d'effervescence nouveau s'est développé entre les Chrétiens et les Druses.

Lord Dufferin fait remarquer que sa motion n'a pas précisément pour but de provoquer l'émission d'une note collective à Fuad Pacha, mais d'appeler par l'intermédiaire d'Abro Effendi l'attention de son Excellence le Commissaire Ottoman sur l'attitude hostile et menaçante des Chrétiens contre les Druses.

M. le Commissaire de France déclare ne pas pouvoir s'associer à une démarche qui, telle qu'elle vient d'être formulée, ne rendrait en aucune façon sa pensée.

M. le Commissaire Russe ne demanderait pas mieux que de concourir à l'émission d'un avis tendant à appeler l'attention et toute la sollicitude de Fuad Pacha sur l'état actuel des choses dans la Montagne. Mais dans quels termes formuler cet avis ? Cet état de choses a des causes multiples. La plus grave, ce n'est pas tant encore le retard apporté à la clôture de la répression, que le non-paiement des indemnités tant à Damas que dans la Montagne. D'après les renseignements qui lui parviennent, la détresse des populations augmente de jour en jour, et provoque sans cesse de leur part de nouvelles et stériles supplications.

M. le Délégué Ottoman promet de faire connaître dans la prochaine séance le mode qui vient d'être adopté en principe pour le règlement des indemnités mobilières pour les habitants de la Montagne.

M. le Commissaire Français prend acte de cet engagement, dont il attendra l'exécution avec impatience, et déclare que, s'il refuse de s'associer à la motion de Lord Dufferin, c'est parce que les termes dans lesquels on propose de la rédiger lui paraissent, à lui aussi, trop étroits et trop absolus.

Lord Dufferin déclare ne point s'opposer à ce que dans sa motion il soit tenu compte de ce que M. Novikow vient de dire au sujet du non-paiement des indemnités.

En conséquence le Secrétaire de la Commission donne lecture d'un projet de note ainsi conçue :

“ Les communications faites par M. le Commissaire Britannique à la séance du 29 Avril, 1861, tendant à prouver que l'état des choses dans la Montagne, eu égard à l'hostilité des Chrétiens contre les Druses, est tel que ces derniers ne croient pas pouvoir y circuler librement, par suite de ce que les populations Chrétiennes, ne recevant pas les satisfactions qui leur ont été promises, sont portées à se faire justice elles-mêmes, la Commission croit nécessaire d'appeler l'attention de son Excellence le Commissaire Ottoman sur l'ensemble de cette situation.”

Cette rédaction est approuvée par les divers membres de la Commission, et M. le Commissaire de France y adhère pour son propre compte.

Copie de cette résolution est remise à M. le Délégué Ottoman, qui promet de la faire parvenir à Damas par le plus prochain courrier.

M. Béclard prie M. le Délégué Ottoman de vouloir bien informer la Commission :

1. Des mesures qui ont été prises à Damas pour la levée d'un à-compte de l'impôt extraordinaire.

2. Du résultat de l'enquête à laquelle il a lui-même pris part au sujet des crimes commis l'année dernière à Sayda.

Abro Efendi répond, sur le premier point, que son Excellence le Commissaire Extraordinaire du Sultan s'occupe en ce moment de la levée d'un impôt de 15,000,000 de piastres, et, sur le second point, que les jugements sont rendus et vont être transmis à Fuad Pacha, qui les renverra à Beyrout après les avoir examinés.

M. le Commissaire de France demande à ses collègues la permission de provoquer leur attention sur un fait grave qui s'est produit l'année dernière à Beyrout, à l'époque des troubles de la Syrie. Un jeune Chrétien de 17 ans a été arrêté, jugé, et mis à mort en quelques heures, contrairement aux règles de la justice Ottomane, qui ordonnent de suspendre l'exécution des sentences capitales jusqu'à ce que le tribunal supérieur de Constantinople ait donné son avis. La voix publique, les circonstances dans lesquelles l'arrestation a été opérée, le jugement rendu, le défaut de preuves, la précipitation du supplice, tout atteste qu'il y a eu là un sacrifice fait aux plus détestables passions. L'homme qui s'en est rendu coupable, le Kiahya Vasfi Efendi, un des employés Ottomans actuellement détenus à Beyrout et condamnés pour leur conduite dans les événements de l'été dernier, s'est donc rendu coupable d'un assassinat juridique, et M. le Commissaire de France a déjà exprimé l'opinion, lors des discussions relatives aux sentences rendues contre les fonctionnaires et officiers Ottomans, que cette circonstance était une de celles qui devaient motiver à son égard l'application du plus sévère châtimement. Depuis lors, M. le Commissaire de France a

reçu une pétition dans laquelle le père de cet enfant demande que l'innocence de son fils soit reconnue, et que sa mort soit vengée. M. Bécлар désirerait savoir si ses collègues ont reçu la même adresse, et quelle suite ils se proposent d'y donner.

M. de Weckbecker a pu constater en effet lui-même que le 23 Juin un assassinat avait été commis, et qu'avant le 24, c'est-à-dire, dans la même journée, le coupable, ou soi-disant tel, avait été exécuté, ce qui est formellement contraire aux lois de l'Empire. Mais la légalité des procédures et des jugements se trouvant placée en dehors de l'appréciation des Commissaires, il y aurait lieu, eu égard à la précipitation de l'exécution, de demander à son Excellence Fuad Pacha s'il a eu connaissance du fait.

M. Novikow fait observer à son tour que la question de savoir si la sentence de mort pouvait être légalement exécutée est en dehors de la compétence de la Commission. Mais, si en effet celui qui a été exécuté est innocent, et si son père demande la réhabilitation de sa mémoire, la Commission a le droit de réclamer auprès de Fuad Pacha la révision de ce jugement, qui se rattache par sa date et les circonstances qui l'ont accompagné, à l'ensemble des événements de l'année dernière.

Lord Dufferin dit qu'il n'a pas eu le moyen d'apprécier cet événement, qui lui a toujours paru un peu suspect.

M. le Commissaire de Prusse s'associe à la proposition de révision d'un procès qui a tout-à-fait à ses yeux le caractère d'un meurtre juridique, et augmente de beaucoup la culpabilité de Vasfi Efendi.

Abro Efendi rappelle qu'il y a environ 4 à 5 mois, un parent de ce jeune Chrétien a fait une demande tendante à la révision du procès. Les pièces de ce procès, alors examinées, ayant été trouvées régulières, il n'a été donné aucune suite à la demande. Quant à l'exécution du jugement, il croit savoir qu'il y a un acte qui l'autorise. Néanmoins M. le Délégué Ottoman s'engage à porter cet incident à la connaissance de Fuad Pacha.

La séance est levée à 5 heures.

(Suivent les signatures.)

Annexe.

Beyroul, le 23 Avril, 1861.

Les Soussignés, ayant visité Said Bey Djoumblat dans les prisons de la caserne à Beyroul, déclarent que Said Bey est atteint d'une phthisie tuberculeuse à un degré assez avancé pour exclure toute probabilité de guérison.

Le traitement médical ne pouvant dans ce cas avoir d'autre effet que de soulager et de prolonger peut-être les jours du malade, les

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Soussignés recommandent, pour atteindre ce but, de lui permettre d'être soigné par les personnes de sa famille dans un local mieux approprié à cette destination.

En foi de quoi ont signé,

PESTALOZZA.

PINCOFFS.

SUQUET.

DOBROWOLSKI.

Les Docteurs Colman et Cauvin ont décliné de signer ce certificat, puisqu'il est contraire aux règlements d'apposer des signatures sur un document sans un ordre supérieur.

P. PINCOFFS.

(29.)—*Protocol of Twenty-ninth Meeting.*

Beyrout, May 4, 1861.

Le 4 Mai, 1861, les Commissaires des 5 Puissances étant réunis à Beyrout, sous la présidence de M. de Rehfuës, Vice-Président, la séance est ouverte à deux heures.

M. le Délégué Ottoman communique à la Commission diverses pièces, relatives au mode qui sera adopté pour l'évaluation des pertes mobilières, essuyées par les habitants de la Montagne pendant les événements de l'année dernière (Annexes Nos. 1, 2, et 3).

Abro Efendi, revenant sur ce qui a été dit dans la précédente séance au sujet du Tribunal Mixte de Beyrout dont l'institution provisoire a été décidée il y a un mois, fait savoir aux membres de la Commission que, si ce Tribunal n'a pas pu encore fonctionner, cela tient uniquement à ce que les populations intéressées n'ont pas encore envoyé siéger leurs représentants. Un tribunal ne peut fonctionner sans juges, et l'autorité ne croyant pas pouvoir constituer autrement qu'elle ne l'a fait le personnel de ce Medjlis, l'institution n'a pu encore avoir lieu. Mais des ordres nouveaux et pressants vont être donnés. Ce tribunal ne s'occupera que des crimes et délits commis par des Chrétiens sur des Druses, ou par des Druses sur des Chrétiens. Toute affaire entre Chrétiens sera déferée à la juridiction ordinaire, à moins que les parties ne soient d'accord pour se soumettre à la juridiction du Tribunal Mixte Provisoire.

M. le Commissaire de France, d'après ce qui vient d'être exposé, croit devoir maintenir ce qu'il a déjà dit dans la précédente séance au sujet de cette juridiction, et demande que la Commission émette un avis touchant la question de savoir si ce Tribunal, d'un caractère tout exceptionnel, devra exercer sa juridiction sur toute la Montagne, ou seulement sur la partie située au sud de Nahr-el-Kelb, soumis à un régime également exceptionnel.

M. le Commissaire d'Autriche pense que, puisque les crimes et délits qui seront justiciables de ce Tribunal étaient déjà soumis à la juridiction du Tribunal Provincial de Beyrout, cette institution ne lui paraît pas de nature à porter atteinte aux privilèges de la Montagne.

M. Bécлар s'empresse de faire observer qu'il n'appartient à personne isolément de développer ou de restreindre les privilèges de la Montagne. S'il y a là un progrès, ce dont il doute fort, ce progrès doit être le résultat d'une entente commune, analogue à celle qui a présidé à la Constitution antérieure, et à celle d'où va résulter une nouvelle organisation. En tout cas, puisque les crimes et délits à la répression desquels il s'agit de pourvoir, ne se commettent que dans les districts mixtes, situés au sud du Nahr-el-Kelb, il n'y a pas péril en la demeure, et pour ne rien préjuger des résolutions collectives qui vont être prises, M. Bécлар persiste à croire que le plus convenable serait de ne pas étendre la juridiction du Tribunal en question au-delà de cette limite.

Abro Efendi exprime son regret de n'avoir pas entendu plus tôt les observations de M. le Commissaire de France. Il les aurait transmises à Fuad Pacha, qui, depuis un mois, s'est trouvé dans le cas de croire que l'institution de ce tribunal était approuvée par les membres de la Commission.

M. le Commissaire de Prusse est d'avis que dans l'état actuel des choses il n'y a aucune nécessité à innover dans la partie nord de la Montagne.

M. le Commissaire Russe avait pensé que la création de ce Tribunal Mixte n'était faite qu'en vue des territoires à population mixte. Ce que vient de dire tout-à-l'heure M. le Délégué Ottoman n'a pu que le confirmer dans cette opinion, Abro Efendi ayant reconnu que les crimes ou délits commis entre individus de la même nation ne seraient déférés à la nouvelle juridiction centrale de Beyrout que si les parties le voulaient bien. Il résulte de ceci que la nouvelle juridiction exceptionnelle ne peut invalider l'ancienne juridiction ordinaire. M. Novikow s'associera d'ailleurs volontiers à la rédaction d'un avis collectif de la Commission qui garantirait ce résultat.

M. le Commissaire Britannique a considéré l'institution du Tribunal Mixte comme très bonne et très opportune, et il ne lui a pas paru qu'elle dût porter atteinte aux privilèges de la Montagne.

Après ce débat il est entendu d'un commun accord que la Commission approuve l'institution provisoire d'un Tribunal Mixte à Beyrout, pourvu que cette institution ne porte aucune atteinte aux privilèges de la Montagne, et ne préjuge en rien les modifications qui, par suite de l'entente des Cabinets, pourront être apportées ultérieurement à l'organisation du Liban.

M. le Délégué Ottoman informe la Commission que son Excellence Fuad Pacha a reçu communication de la motion collective insérée dans le procès-verbal de la séance du 29 Avril dernier. Son Excellence, devant être très prochainement de retour à Beyrout, se réserve de s'expliquer elle-même auprès de la Commission sur les véritables causes de l'état des choses signalé à son attention.

Quant aux observations qui ont été adressées à l'autorité dans la dernière séance, et d'après lesquelles rien n'aurait été fait pour la pacification du pays, M. le Délégué Ottoman croit devoir faire remarquer que, sur le premier point concernant la répression, les retards apportés à l'exécution des sentences rendues proviennent uniquement des divergences d'opinion qui se sont produites dans le sein de la Commission. Cette œuvre de répression absorbant d'abord l'attention de l'autorité, elle n'a pu s'occuper du règlement des indemnités qu'elle est actuellement en train de mener à bonne fin, ainsi que le prouvent et l'impôt extraordinaire que Fuad Pacha va faire lever sur Damas, et la communication qui vient d'être faite au commencement de cette séance, touchant le mode adopté pour l'évaluation des pertes mobilières dans la Montagne.

Quant à la réorganisation, son Excellence le Plénipotentiaire du Sultan a envoyé aussi promptement que possible aux Commissaires les observations que lui avait suggérées l'examen de leur projet. On ne peut donc sur aucun de ces 3 points imputer à la Mission Extraordinaire toute la responsabilité des lenteurs dont il a été question.

M. le Commissaire de France, étant d'avis que la question a été épuisée dans la précédente séance, ne trouve pas, en ce qui le concerne, qu'il soit nécessaire de continuer ce débat, et préfère s'abstenir de répondre aux observations qui viennent d'être présentées par M. le Délégué Ottoman.

La séance est levée à quatre heures et quart.

(Suivent les signatures.)

Annexe 1.—Rapport de la Commission à son Excellence Fuad Pacha sur le Système à adopter pour le Règlement des Pertes Mobilières de la Montagne. (Traduction.)

CONFORMEMENT aux ordres de votre Excellence une Commission a été nommée pour l'évaluation des pertes mobilières éprouvées par les habitants de la Montagne pendant les derniers événements. Elle a déjà tenu plusieurs séances, dans lesquelles les discussions provoquées par cette question l'ont conduite à 3 modes d'enquête qui lui ont paru propres à atteindre le résultat désiré.

Le premier, c'est de demander aux habitants des listes détaillées de leurs pertes ; le second, de les diviser par catégories et d'assigner

à chacune d'elles une somme proportionnée à ses pertes ; le troisième, de prendre pour base d'évaluation la liste des maisons incendiées et de fixer approximativement par ce moyen les pertes de chacun. Considérant que dans le temps passé le premier système a été préféré aux autres, à la suite des événements de 1840 ; considérant en outre que, pour assurer le succès de celui qu'on adopterait des 3 susmentionnés, il faut toujours commencer par le premier, il en résulte que celui-ci a fixé le choix de la Commission, par la raison que sans informations on ne saurait employer les deux autres qui paraissent plus expéditifs. Or, il est indispensable de s'arrêter au premier pour s'enquérir des pertes de chacun et y pourvoir en conséquence. Afin de s'assurer de la véracité des listes qui seront présentées on les confrontera avec les registres des impôts de chaque village, et l'on s'en tiendra aussi aux listes des maisons incendiées, qui ont été dressées sur le pied d'une proportion approximative. Alors il arrivera de deux choses l'une ; ou l'on trouvera les enquêtes qui ont eu lieu suffisantes, et dans ce cas on donnera à chacun la part d'indemnité qui lui revient, ou bien l'enquête exigeant beaucoup de temps, et afin d'accélérer la marche du travail, on divisera les habitants par catégories, et l'on fera l'évaluation des pertes de chacune. Si ce mode ne réussissait pas, on procéderait à la vérification régulière des pertes subies en produits de commerce et en objets précieux, et pour les pertes d'objets ordinaires de mince valeur, on chercherait une proportion d'évaluation par maison.

Les agents de l'autorité et les notables seront tenus, suivant les ordres qui leur seront donnés, de faire dresser à leurs administrés des listes détaillées de leurs pertes. Les habitants de leur côté feront ces listes sur deux pages. La première contiendra leurs pertes en meubles et habillements, avec leur prix et quantité respectifs. La seconde mentionnera leurs pertes en produits, tels que céréales, soie, cocons et étoffes, en un mot des objets destinés au commerce. Sur la même liste ils indiqueront aussi les objets et produits qui leur ont été rendus avec leur valeur et quantité respectives. Après avoir opéré la présentation des listes détaillant séparément les pertes de chacun, les agents de l'autorité, conjointement avec les notables, feront le relevé des pertes de chaque village et par ce moyen on connaîtra le total des pertes de chaque village et les individus qui les ont subies.

Les prêtres connaissant mieux que personne la position des individus placés sous leur direction spirituelle, chaque individu, avant de présenter sa liste, la soumettra au prêtre de son village, qui l'examinera avec attention. Le prêtre l'engagera par ses conseils, comme ministre de la religion, à lui avouer si la liste qu'il lui soumet est conforme à la vérité ; ensuite, après avoir donné publiquement lecture de sa liste en présence des habitants de son

village et des agents de l'autorité, il recevra publiquement son serment.

Il sera notifié en outre aux habitants que les pertes de ceux dont les listes sont exactes seront prises immédiatement en considération ; au contraire ceux dont les listes sont fausses, comme le prouverait l'enquête de la Commission, encourront une grave responsabilité. Après avoir fait le relevé des pertes de chaque village, on l'enverra à la Commission des pertes immobilières. Cependant les agents de l'autorité, après avoir reçu les listes des villages, écriront au bas de ces listes les informations qu'ils auront pu prendre secrètement ou ouvertement à ce sujet, et après y avoir apposé leurs sceaux, ils les enverront à Beyrout. En outre ils n'accepteront pas les listes de ceux qui n'ont pas éprouvé des pertes, ou bien qui ont pu sauver leurs biens pendant les événements.

En résumé, le premier degré d'enquête sur les listes, contenant les pertes mobilières, consiste dans le serment que les habitants prêteront entre les mains des prêtres ; le second sera fait par les agents de l'autorité résidant dans les districts ; et le troisième par la Commission constituée à Beyrout. Dans ce troisième mode d'enquête, il faut prendre quelques mesures qui empêchent les habitants des villages de venir en masse à Beyrout. Pour prévenir un tel inconvénient, la Commission pense :

1. Que l'enquête pour chaque village devrait être effectuée au premier degré sur les lieux ;

2. Qu'en cas de besoin des délégués du village seraient appelés à Beyrout ;

3. Que les habitants d'un village qui se présenteraient en masse à Beyrout ne devraient point être reçus par la Commission ;

4. Qu'en cas de nécessité des agents spéciaux seraient envoyés sur les lieux par la Commission des pertes mobilières.

Tous ces points seront d'ailleurs discutés au sein de cette Commission, qui adoptera telles mesures qu'elle jugera nécessaires. De plus, pour éviter aussi la confusion qui pourrait naître de la prétention des habitants d'un village d'avoir la priorité sur les autres dans le règlement de leurs pertes, la Commission Centrale prendra note de l'époque des réclamations et procédera à l'enquête par ordre de date.

Tel est, Excellence, le résultat des discussions de la Commission que nous soumettons à votre haute appréciation.

Annex 2.—Rapport du Conseil Provincial à son Excellence Fuad Pacha. (Traduction.)

INVITES par Abro Efendi à émettre notre opinion sur le rapport touchant le plan d'évaluation que la Commission chargée d'étudier

le meilleur système à suivre dans le règlement des pertes mobilières éprouvées pendant les événements a élaboré, et que ce fonctionnaire nous a communiqué, nous venons en conséquence présenter à votre Excellence les observations que l'examen de cette question nous a suggérées.

Nous avons remarqué que, des 3 modes proposés, la Commission a cru devoir donner la préférence au premier, qui consiste dans la présentation de listes de la part des habitants. En effet elle ne pouvait s'arrêter au second mode, qui serait de diviser les habitants en catégories, et d'assigner à chacune d'elles une somme proportionnée à ses pertes sans informations préalables qui permettent d'arriver à une juste appréciation. Quant au troisième, qui serait de prendre pour base d'évaluation la liste des maisons incendiées, ce mode n'est pas non plus exempt de difficultés, s'il était adopté en premier lieu.

En conséquence le premier mode serait le plus préférable, mais, pour s'assurer de la véracité des listes qui seront présentées et pour éviter la confusion et l'agglomération qui entraveraient l'expédition des affaires, 3 Commissions d'enquête seront nommées. Ces Commissions seront composées de notables et prêtres dignes de toute confiance, appartenant aux différents rites de Beyrout, Sayda, Tripoli, et des autres localités importantes. Chacune de ces Commissions sera placée sous la présidence d'un agent spécial de l'autorité. Elles s'occuperont de l'évaluation des véritables pertes mobilières éprouvées par les habitants de chaque village, et dresseront sur le modèle ci-joint, qui sera imprimé, les relevés destinés à être présentés à la Commission Centrale avec un mazbatta au bas de chaque relevé. Chaque Commission comptera un personnel rétribué de 10 membres, y compris les greffiers qui y seront attachés. Deux de ces Commissions se rendront aux cercles de la Montagne Druse, et la troisième à Meten et à ses dépendances qui sont sous la juridiction Chrétienne. Quant à la prestation du serment qui doit avoir lieu, d'après l'avis de la Commission, avant l'enquête, c'est-à-dire, au premier degré, nous pensons qu'il serait plus à propos de laisser l'accomplissement de cet acte à la fin de l'enquête, attendu que, si le porteur d'une liste venait à être soumis en premier lieu à cette formalité, il serait difficile de la démentir dans le cas que les renseignements exacts qu'on pourrait recevoir ultérieurement viendraient à constater l'inexactitude de sa liste.

Les membres de ces Commissions s'engageront par serment, prêté en présence de leur chef spirituel suivant la forme voulue dans leur culte, et avant leur entrée en fonctions, de ne point commettre d'injustices, de ne dire que la vérité, et de ne pas se laisser corrompre par leurs intérêts personnels dans l'accomplissement de leur tâche. Si jamais chacune de ces Commissions, en tout ou en partie, manquait

à son serment, elle serait passible de peines sévères. Le *minimum* et le *maximum* de ces peines seront fixés et portés à leur connaissance.

Ces Commissions parcourront les divers points de la Montagne suivant l'ordre topographique des villages. Dans chaque village elles appelleront le prêtre et les notables, auxquels elles notifieront que le Gouvernement accordera des indemnités à ceux qui ont subi des pertes, mais à la condition que chacun d'eux présente une liste exacte et détaillée de ses pertes mobilières. Elles leur feront aussi savoir que ceux dont les listes ne présenteront pas ce caractère, n'obtiendront aucune indemnité, afin qu'ils soient punis de leur mauvaise foi, et que tout porteur de liste sera soumis à la prestation du serment à la fin de l'enquête.

A mesure que les habitants apporteront leurs listes, les prêtres et les notables seront appelés par la Commission, et en leur présence ces listes seront examinées, et si les membres de la Commission, les prêtres, et les notables sont unanimes à reconnaître l'exactitude des objets et des prix portés sur ces listes, ils feront prêter serment au réclamant, et apostilleront sa liste, en la déclarant admissible. Si au contraire des doutes sur l'exactitude de la liste s'élèvent dans l'esprit des membres de la Commission, si le prêtre et les notables du village contestent en tout ou en partie le contenu de la liste, ou bien si la liste présentée n'est pas conforme aux renseignements que la Commission se serait procurés, alors la liste sera rendue à son propriétaire avec l'injonction d'apporter une liste exacte. Après avoir ainsi relevé les listes de chaque village, le prêtre et les notables de ce village prêteront le serment que, d'après leurs renseignements et leur conviction, les listes portées sur le relevé sont exactes, et après que le prêtre et les notables auront en conséquence apposé leur signature au bas du relevé, les membres de la Commission le signeront à leur tour.

Au fur et à mesure que les Commissions dresseront les relevés de l'évaluation des pertes de chaque village, elles les enverront à la Commission Centrale avec les listes mentionnant les détails, et qui seront annexées à ces relevés. Cette dernière n'aura pas à s'occuper des détails qu'ils renferment, mais elle se bornera à examiner si quelque erreur ou omission n'y a été commise. Elle n'aura pas besoin de se livrer à un examen plus sérieux, par la raison que l'enquête a été entourée de toutes les garanties possibles d'ordre et de vérité. Le serment, prêté d'abord par les membres des Commissions, ensuite par les prêtres et les notables qu'elles ont consultés dans leurs opérations, excluant toute idée de fraude et de corruption, la Commission Centrale pourra admettre en toute sûreté les relevés qui lui seront présentés, à moins qu'elle n'ait reçu des renseignements exacts, ou qu'elle n'ait conçu des doutes sérieux pour ordonner la révision de tel ou tel relevé.

(Traduction.)

L'ADOPTION du système ayant pour base la présentation de listes de la part des habitants qui avaient éprouvé des pertes fut alors résolue. Ces listes étaient remises à la Commission qui avait été nommée pour l'évaluation de ces pertes. En conséquence notification a été faite de cette mesure aux habitants de la Montagne par l'intermédiaire de leurs Caïmacams.

La Commission, organisée alors, se composait des Caïmacams des deux Administrations, de deux Membres du Conseil de Beyrout, dont l'un Musulman et l'autre Chrétien, d'un Evêque, de prêtres Chrétiens et de Cheiks. Elle se réunissait tous les jours à l'exception du Dimanche et du Vendredi, depuis 5 heures jusqu'à 9 heures, et le Vali de la province y assistait tous les jours pendant une heure.

Aussitôt que cette Commission a été instituée, les individus qui avaient souffert des événements commencèrent à présenter leurs listes. La Commission les recevait et les transmettait aux greffiers chargés de la tenue des registres. Ceux-ci les enregistraient, et après les avoir marqués, les rendaient à leurs possesseurs.

Après avoir opéré l'enregistrement de ces listes, nom par nom et village par village, un Grand Conseil fut institué. Il se composait de Musulmans et de Chrétiens de Saida, Sour, et Beyrout, ainsi que des Druses et des Chrétiens de la Montagne. Les membres de ce Conseil furent soumis à la prestation du serment. Cette formalité remplie, l'autorité les invita à modifier l'évaluation des pertes mobilières qui figurait sur les listes présentées. Les membres de ce Grand Conseil se mirent en conséquence à l'œuvre.

Les décisions définitives de ce Conseil ont été consignées dans un procès-verbal remis à l'autorité locale, après avoir été acceptées et confirmées par les notables Chrétiens et Druses des localités qui avaient été pillées durant les événements.

A cette époque le montant de l'évaluation s'élevait de 300,000 à 400,000 bourses environ, dont 160,000 représentaient des pertes subies par les Druses. Le restant de la somme mentionnée fut réduit à 86,000 bourses environ.

A l'arrivée de feu Chekib Pacha, en Mission Extraordinaire pour les affaires de la Montagne, il se forma un Conseil composé de prêtres et de notables Chrétiens, recommandés par leurs antécédents. Ceux-ci apportèrent de nouvelles modifications au plan d'évaluation qui leur fut soumis, et ils l'arrêtèrent au chiffre de 61,000 bourses.

A valoir sur cette dernière somme le Gouvernement du Sultan accorda sur le trésor de Saïda 10,000 bourses, et décréta le paiement par les Druses de 3,000 bourses encore, de manière que la somme de 13,000 bourses a été répartie, village par village, entre les réclamants dont chacun a prouvé et reçu la quote-part qui lui revenait. Nous donnons ci-après le relevé des pertes mobilières d'alors avec la désignation des noms de ceux qui faisaient à cette époque partie du Conseil, nommé pour opérer des modifications.

Elias Soussa, de Deir-el-Kamar (il se trouve à Beyrout).

Michaël Hos (mort).

Farès Tabet, de Deir-el-Kamar (à Deir-el-Kamar).

Nicolas Atrache, de Beyrout (il est à Beyrout).

Suleïman Choueri, de Meten (mort).

Habib Nassif, de Djezzïn (à Djezzïn).

TREATY between The United States and Hanover, concerning the Abolition of the Stade or Brunshausen Dues.—Concluded at Berlin, November 6, 1861.

[Ratifications exchanged at Berlin, April 29, 1862.]

THE United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special Treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers: the President of The United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of The United States of America to Prussia, and His Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant-Colonel and Extraordinary Aide-de-Camp, Mr. August Wilhelm Von Reitzenstein, Knight Commander of the second class of the Royal Guelphic Order, &c., who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following Articles:

ART. I. His Majesty the King of Hanover assumes towards The United States of America, who accept the same, the obligation:

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

II. His Majesty the King of Hanover obligates himself moreover to The United States of America:

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary to the free navigation of the Elbe;

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine any charge whatever, in lieu and place of the Stade or Brunshausen dues.

III. By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover by the above stipulations, The United States of America agree to pay to His Majesty the King of Hanover, who accepts the same, the sum of 60,353 thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues.

IV. The sum of 60,353 thalers courant, stipulated in Article III, shall be paid at Berlin into the hands of such person as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided.

In consideration of the fact that the stipulations contained in Articles I and II have already been applied to the American flag since the 1st day of July, 1861, The United States of America agree to pay besides, and [at] the same time with the capital above named, the interest of that sum, at the rate of 4 per centum per annum, commencing with the 1st day of October, 1861.

V. The execution of the obligations contained in the present Treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the Constitutions of the High Contracting Powers; and the compliance with these formalities and rules be brought about within the shortest time possible.

VI. The Treaty of Commerce concluded be-

tween The United States of America and His Majesty the King of Hanover, on the 10th day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, Article I, which shall cease to have effect after the present Treaty shall have been ratified.

VII. This Treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin within 6 months from the present date, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the above Articles, both in the English and German languages, and they have thereunto affixed their seals.

Done in duplicate at Berlin the 6th day of November, in the year of our Lord 1861, and the Independence of The United States of America the 86th.

(L.S.) N. B. JUDD.

(L.S.) WILHELM AUGUST VON REITZENSTEIN.

PROTOCOL.

It remains understood that, until the execution of the stipulations contained in Articles V and VII of the Treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as The United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandize transported in American vessels. Until, however, all the Powers, parties to the general Treaty of the 22nd day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the Articles VI and VII of the last named Treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention.

Done at Berlin, the 6th November, 1861.

(L.S.) N. B. JUDD.

(L.S.) WILHELM AUGUST VON REITZENSTEIN.

TREATIES of Peace, Cession, &c., between The United States and certain Nations and Tribes of Indians.—1860, 1861.

(1.)—TREATY *between The United States and the Delaware Tribe of Indians.—Sarcoxierville, May 30, 1860.*

[Ratified by the President of The United States, August 22, 1860.]

ARTICLES of Agreement and Convention made and concluded at Sarcoxierville, on the Delaware reservation, this 30th day of May, 1860, by Thomas B. Sykes, as Commissioner on the part of The United States, and the following named Chiefs of the Delaware tribe of Indians, viz., John Connor, head Chief of the whole tribe; Sar-cox-ie, Chief of the Turtle band; Ne-con-he-con, Chief of the Wolf band; Rock-a-to-wha, Chief of the Turkey band, and assistants to the said head Chief, chosen and appointed by the people, and James Connor, chosen by the said Chiefs as delegate.

ART. I. By the first Article of the Treaty made and concluded at the city of Washington, on the 6th day of May, 1854,* between George W. Manypenny, Commissioner on the part of The United States, and certain delegates of the Delaware tribe of Indians, which Treaty was ratified by the Senate of The United States, on the 11th day of July, 1854, there was reserved, as a permanent home for the said tribe, that part of their country lying east and south of a line beginning at a point on the line between the Delawares and half-breed Kansas, 40 miles in a direct line west of the boundary between the Delawares and Wyandottes; thence north 10 miles; thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river, where the usual high-water line of said creek intersects the high-water line of said river. And by the Article XI of said Treaty it was stipulated that "at any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: Provided, such assignments shall be uniform."

The Delawares having represented to the Government that it is their wish that a portion of the lands reserved for their home may be divided among them in the manner contemplated by Article XI of the Treaty aforesaid, it is hereby agreed by the parties hereto, that the said reservation shall be surveyed as early as practicable after the ratification of these Articles of Agreement and Convention, in the same manner that the public lands are surveyed; and

* Vol. XXIV. Page 351.

to each member of the Delaware tribe there shall be assigned a tract of land containing 80 acres, to include in every case, as far as practicable, a reasonable portion of timber, to be selected according to the legal subdivisions of survey.

II. The division and assignment in severalty among the Delawares of the land shall be made in a compact body, under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive.

Certificates shall be issued by the Commissioner of Indian Affairs, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienable in fee, leased, or otherwise disposed of, except to The United States or to members of the Delaware tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior; and said tracts shall be exempt from levy, taxation, sale or forfeiture, until otherwise provided by Congress.

Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, that so the same shall be secured to the families of such deceased persons. And should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof, as, in his judgment, may be necessary and proper.

The improvements of the Indians residing on the lands to be sold shall be valued by The United States, and the individual owners thereof shall receive the amount realized from the sale of the same, to be expended in building other improvements for them on the lands retained.

III. The Delaware tribe of Indians, entertaining the belief that the value of their lands will be enhanced by having a railroad passing through their present reservation, and being of the opinion that the Leavenworth, Pawnee, and Western Railroad Company, incorporated by an Act of the Legislative Assembly of Kansas territory, will have the advantage of travel and general transportation over every other Company proposed to be formed, which will run through their lands, have expressed a desire that the said Leavenworth, Pawnee, and Western Railroad Company shall have the preference of purchasing the remainder of their lands after the tracts in severalty and those for the special objects herein named shall have been selected and set apart, upon the payment into The United States Treasury, which payment shall be made within 6 months

after the quantity shall have been ascertained, in gold or silver coin, of such a sum as 3 Commissioners, to be appointed by the Secretary of the Interior, shall appraise to be the value of said land: Provided, in no event shall the value be placed below the sum of one dollar and 25 cents per acre, exclusive of the cost of survey of the same. [And that The United States will issue a patent in fee-simple to said Company, upon the payment as aforesaid, for all their land remaining in Kansas.] It is, therefore, agreed by The United States that the wishes of the Delawares shall be granted; that they will accept of the trust reposed upon them; and that the money resulting from such disposition of the lands shall be disposed of and applied in the manner provided for by Articles VII and VIII of the Delaware Treaty of 6th May, 1854, after expending a sufficient sum to enable them to commence agricultural pursuits under favourable circumstances. It is also agreed that the said railroad Company shall have the perpetual right of way over any portion of the lands allotted to the Delawares in severalty, on the payment of a just compensation therefor, in money, to the respective parties whose lands are crossed by the line of railroad.

IV. Whereas some years ago a good many of the Delawares went down among the Southern Indians, and as there are still about 200 of them there, and as they have reason to believe they will return soon, it is hereby agreed that 80 acres each be set apart for them, to be allotted to them as they return, and certificates to be then issued to them, in the same manner as to those now within the reservation, and in every respect to be governed by the same rules and regulations as prescribed for the government of the lands reserved by the preceding Articles, that until they return the allotments set apart for them belong to the nation in common.

V. There shall be reserved 320 acres of ground where the mill, and school-house, and Ketchum's store now stand; 320 acres where the council-house now is; 160 acres where the Baptist mission now is; 160 acres where the agency-house now is; 40 acres where the Methodist Episcopal Church South now is; 40 acres where the Methodist Episcopal Church North now is; which several tracts, with the improvements thereupon, shall be disposed of when the objects for which they have been reserved shall have been accomplished, in such manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable; for the benefit of the Delawares.

VI. By Article XIV of the Treaty between the Delawares and The United States, of May 6, 1854, ratified by the Senate July 11, 1854, The United States bound herself to protect them and their rights; and that whereas, that depredations of various kinds have been committed upon them and their lands, it is hereby agreed that

The United States shall pay them, within 12 months from the ratification of these Articles of Treaty and Convention, 30,000 dollars as indemnity for timber that has been cut off their reservation by the whites, and 9,500 dollars as indemnity for ponies and cattle that have been stolen from them by the whites since their last Treaty with The United States. It is further stipulated that should the Senate of The United States refuse this Article, it shall in no wise affect the validity of the other Articles, or prejudice the right of the Delawares to appeal to the Congress of The United States for the indemnities hereby agreed upon.

It is further understood that, at the Treaty between the Delawares and The United States, made September 24, 1829, the boundary of the reservation then set apart for them included the half-breed Kansas lands; but it afterwards proved that The United States had previously set apart these lands for the half-breed Kaws, and by that means they have been kept out of the use and benefit of said lands; it is, therefore, hereby agreed that a fair valuation shall be made by The United States upon such lands, under the direction of the Secretary of the Interior, and that the amount of said valuation shall be paid the Delawares.

VII. In consideration of the long and faithful services of the Chiefs of the Delaware nation, and of their Interpreter, who is also a member of the nation, it is further agreed that the said Chiefs and Interpreter shall have allotted to each a tract of land, to be selected by themselves, and shall receive a patent in fee-simple therefor from the President of The United States, viz.: John Connor, principal Chief, 640 acres; Sar-cox-ie, Chief of the Turtle band, 320 acres; Rock-a-to-wha, Chief of the Turkey band, 320 acres; Ne-con-he-con, Chief of the Wolf band, 320 acres; and Henry Tiblow, Interpreter, 320 acres; the lines of each tract to conform to the legal subdivisions of survey. It is further agreed that, from the money as paid the Delaware tribe of Indians, in accordance with Article X of this Treaty, the Chiefs of said tribe of Indians, shall appropriate 1,500 dollars as the annual salary of the councilman of the said tribe of Indians.

VIII. Any stipulation in former Treaties inconsistent with those embraced in the foregoing Articles shall be of no force or effect.

IX. As these Articles are entered into for the sole use and benefit of the Delaware Indians, it is understood that the expenses incident to carrying them into effect shall be defrayed from the funds of said Indians, held in trust for them by The United States.

X. The interest accruing to the Delawares under the former Treaties, and that which may accrue under this, shall be paid on the 1st of April and October in each year.

In testimony whereof, the said Thomas B. Sykes, Commissioner as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

THOMAS B. SYKES, *Commissioner*.

[Signed by 5 Chiefs.]

Signed in the presence of:

HENRY TIBLOW, *United States Interpreter*, and 4 others.

And, whereas, the said Treaty having been submitted to the Senate of The United States, for its constitutional action thereon, the Senate did, on the 27th of June, 1860, advise and consent to the ratification of the same, by a resolution and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 27, 1860.

"Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the 'Articles of Agreement and Convention made and concluded at Sarcoxieville the 30th day of May, 1860, by Thomas B. Sykes, Commissioner on the part of The United States and certain Chiefs of the Delaware tribe of Indians, with the following amendment:

At the end of Article III, add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians or The United States, until the Secretary of the Interior shall be fully satisfied that a line of 25 miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue shall issue only when the said Secretary shall be satisfied that the road has been in like manner, completed and equipped to the western boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either of the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to The United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. And provided further, that in case the said company shall fail to make payment for the lands or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall

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be disposed of by the Secretary of the Interior, at public auction, in quantities not exceeding 160 acres; but, in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified: And provided further, that the said railroad Company shall, finally, and in good faith, sell and dispose of all said lands within 7 years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

Attest:

ASBURY DICKENS, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to the Chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the 21st day of July, 1860, give their free and voluntary assent in the words and figures following, to wit:

We, the Undersigned, Chiefs, councillors, and headmen of the tribe of Delaware Indians on behalf of said tribe, now in full Council assembled, having had fully explained to us the amendment made on the 27th day of June last by the Senate of The United States, to the Treaty made and concluded on the 30th of May last, at Sarcovieville, on the Delaware reservation, by Thomas B. Sykes, Commissioner on the part of The United States, and the following named Chiefs of the Delaware tribe of Indians, viz.: John Connor, Head Chief of the whole tribe; Sar-cox-ie, Chief of the Turtle band; Rock-a-to-wha, Chief of the Turkey band, and assistant to the said head Chief, chosen and appointed by the people; and James Connor, chosen by the said Chiefs as delegate, which amendment is in the following words, viz.:

AMENDMENT:

At the end of Article III add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said Company, that they should in good faith and within a reasonable time, construct a railroad through their reservation, and to carry out this intent, as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians nor The United States until the Secretary of the Interior shall be fully satisfied that a line of 25 miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue to issue only when the said Secretary shall be satisfied that the road has been in like manner completed and equipped to the western boundary of the Delaware reservation. And if the

said Company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to The United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. And provided further, that in case the said Company shall fail to make payment for the lands, or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall be disposed of by the Secretary of the Interior at public auction, in quantities not exceeding 160 acres; but in no case for a sum less than the appraised value, the net proceeds to be applied in same manner as hereinbefore specified. And provided further, that the said railroad Company shall finally and in good faith sell and dispose of all said lands within 7 years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof, so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

Do hereby accept and consent to the said amendments to the Articles of Agreement and Convention aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals this 21st day of July, A.D. 1860.

[Signed by 5 Chiefs.]

Witnesses:

HENRY TIBLOW, *United States' Interpreter*, and 3 others.

I do hereby certify, that the foregoing instrument of writing was fully explained by me to the Delaware tribe of Indians in Council assembled, in the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this 21st day of July, 1860.

THOS. B. SYKES, *U.S. Agent for the Delawares.*

(2.)—*RESOLUTION of the Senate of The United States. Right and Title of certain bands of Sioux Indians, to lands embraced in Reservations on the Minnesota River.*

IN THE SENATE OF THE UNITED STATES,
June 27, 1860.

WHEREAS by the IIInd Article of the Treaties of June 19, 1858,* with the Med-a-wa-kanton and Wah-pa-koo-ta, and the Simeeton and Wah-pa-ton bands of the Dacotah or Sioux Indians, it

* Vol. XLVIII. Page 784.

is submitted to the Senate to decide as to the right or title of said bands of Indians to the lands embraced in the reservations occupied by them on the Minnesota River, in the State of Minnesota, and what compensation shall be made to them for those portions of said reservations lying on the north side of that river, which they agreed by said Treaties to surrender and relinquish to The United States ; “ whether they shall be allowed a specified sum in money therefor, and if so, how much, or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto ;” and whereas said Indians were permitted to retain and occupy said reservations in lieu of other lands which they were entitled to under the amendments of the Senate to the Treaties made with them in the year 1851,* and large amounts of the money of said Indians have been expended by the Government in improvements and otherwise upon the lands contained in said reservations ; and whereas by Act of Congress of July 31, 1854, said reservations were authorized to be confirmed to those Indians :

Resolved, That said Indians possessed a just and valid right and title to said reservations, and that they be allowed the sum of 30 cents per acre for the lands contained in that portion thereof lying on the north side of the Minnesota River, exclusive of the cost of survey and sale, or any contingent expense that may accrue whatever, which by the Treaties of June, 1858, they have relinquished and given up to The United States.

Resolved further, That all persons who have in good faith settled and made improvements upon any of the lands contained in said reservations, believing the same to be Government lands, shall have the right of pre-emption to 160 acres thereof, to include their improvements, on paying the sum of 1 dollar 25 cents per acre therefor : Provided, that when such settlements have been made on the lands of the Indians on the south side of the Minnesota River, the assent of the Indians shall first be obtained, in such manner as the Secretary of the Interior shall prescribe, and that the amount which shall be so paid for their lands, shall be paid into the Treasury of The United States.

Attest:

ASBURY DICKENS, *Secretary.*

(3.)—TREATY *between The United States and the Arapahoe and Cheyenne Indians of the Upper Arkansas River.—Fort Wise, February 18, 1861.*

[Ratified by the President of The United States, December 5, 1861.]

ARTICLES of Agreement and Convention made and concluded at Fort Wise, in the territory of Kansas, on the 18th day of February,

in the year of our Lord 1861, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of The United States, and the following named Chiefs and delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz.: Little Raven, Storm, Shave-Head, and Big Mouth (on the part of the Arapahoes), and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos (on the part of the Cheyennes), they being thereto duly authorized by said confederated tribes of Indians.

ART. I. The said Chiefs and delegates of said Arapahoe and Cheyenne tribes of Indians do hereby cede and relinquish to The United States all the lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas River, and extending westwardly along the said river to the mouth of Purgatory River; thence along up the west bank of the Purgatory River to the northern boundary of the territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas River, 5 miles east of the mouth of the Huerfano River, would intersect said northern boundary of New Mexico; thence due north from that point on said boundary to the Sandy Fork to the place of beginning.

The Arapahoes and Cheyennes, being desirous of promoting settled habits of industry and enterprise amongst themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated, that the tract of country contained within the boundary above described, shall be set apart and retained by them for the purposes aforesaid.

According to an understanding among themselves, it is hereby agreed between The United States and the said tribes, that the said reservation shall be surveyed and divided by a line to be run due north from a point on the northern boundary of New Mexico, 15 miles west of the Purgatory River, and extending to the Sandy Fork of the Arkansas River, which said line shall establish the eastern boundary of that portion of the reservation, to be hereafter occupied by the Cheyennes, and the western boundary of that portion of said reservation to be hereafter occupied by the Arapahoes.

II. Out of the lands so set apart and retained there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of 40 acres, to include, in every case, as far as practicable, a reasonable portion of timber and water; 160 acres of said

retained lands shall also be set apart and appropriated to the use and occupancy of the agent, for the time being, of said tribes; and 160 acres shall also be reserved out of each division of the retained tract for the establishment and support of schools for the education of the youth of the tribes. The location of the tracts, the assignment of which is provided for in this Article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned in common by the tribe occupying that portion of the reservation within the limits of which said parcels of land and water may be included; but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute and be known as the Reservation of the Arapahoes and Cheyennes of the Upper Arkansas; and all laws which have been or may be passed by the Congress of The United States regulating trade and intercourse with Indian tribes, shall have full force and effect over the same, and no white person, except as shall be in the employment of The United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of the central superintendency, or of the agent of the tribes.

III. The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose, shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to The United States, or to members of the respective bands of Arapahoes and Cheyennes, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or

persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

IV. In consideration of the foregoing cession, relinquishment, and agreements, and for the purpose of establishing the Arapahoes and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favourable circumstances, The United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes in the quiet and peaceable possession of the said tract of land so reserved for their future home, and also their persons and property thereon, during good behaviour on their part. 2nd. To pay to them, or expend for their benefit, the sum of 80,000 dollars per annum for 15 years; that is to say, 15,000 dollars per annum for each tribe for that number of years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; making 450,000 dollars in annuities in the period of 15 years, of which sums the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what objects such expenditures shall be made, due regard being had, in making such determination, to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. Their annuities may, at the discretion of the President of The United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper. 3rd. It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals, &c., referred to in this Article, as also the cost and expense of breaking up and fencing land, building houses, storehouses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of 450,000 dollars, to be paid to or expended for the benefit of the Arapahoes and Cheyennes as annuities.

V. To provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the mill (if one be necessary), farmers,

and the mechanics that may be employed for their benefit, The United States agree to expend therefore a sum not exceeding 5,000 dollars per annum for 5 years; and it is agreed that all articles of goods and provisions, stock, implements, lumber, machinery, &c., referred to in this Treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of The United States.

VI. The Arapahoes and Cheyennes of the Upper Arkansas, parties to this Agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages; and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for that purpose: Provided, however, that those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this Treaty, shall not be entitled to the benefit of any of its stipulations.

VII. Should any further aid from time to time be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefore shall be taken from the moneys due and belonging to them under the provisions of former Treaties or Articles of Agreement and Convention, and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further Treaty engagements or arrangements hereafter with The United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former Treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

VIII. All the expenses connected with and incident to the making of this Agreement and the carrying out its provisions shall be defrayed by The United States, except as otherwise herein provided.

IX. It is agreed that all roads and highways, laid out by autho-

city of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of The United States.

X. It is also agreed by The United States that the annuities now paid to the Arapahoes and Cheyennes, under existing Treaties or Articles of Agreement and Convention, shall be continued to them until the stipulations of said Treaties or Articles of Agreement and Convention relating to such annuities shall be fulfilled.

XI. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by The United States Government to enter a sufficient quantity of land to include said city and towns, at the minimum price of 1 dollar and 25 cents per acre.

XII. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of The United States.

In testimony whereof the said Commissioner[s] as aforesaid, and the said Chiefs and delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

A. G. BOONE, *U.S. Ind. Agt. and Commissioner.*

F. B. CULVER, *Comr. and Spec. Agt.*

[Signed by 4 Arapahoes, 6 Cheyennes, and 2 others.]

Witnesses to the signatures:

JOHN SEDGWICK, and 3 others.

P.S. And it is further understood, before signing the above Treaty, that it was the particular request and wish of the Chiefs and Councillors in general convention, in consideration of Robert Bent being one of their half-breed tribe, that he should have, as a gift from the nation 640 acres of land, covering the valley and what is called the Sulphur Spring, lying on the north side of the Arkansas River and about 5 miles below the Pawnee Hills, and they wish the general Government to recognize and confirm the same; and that Jack Smith, son of John S. Smith, who is also a half-breed of said nation, shall have 640 acres of land, lying 7 miles above Bent's Old Fort, on the north side of the Arkansas River, including the valley and point of rock, and respectfully recommend the general Government to confirm and recognize the same.

A. G. BOONE, *Comr. and Ind. Agt.*

F. B. CULVER, *Comr. and Spec. Agt.*

And whereas the said Treaty having been submitted to the Senate of The United States for its constitutional action thereon, the Senate did, on the 6th day of August, 1861, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

August 6, 1861.

“ Resolved (two-thirds of the Senators present concurring), that the Senate advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Fort Wise, in the territory of Kansas, on the 18th day of February, in the year of our Lord, 1861, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of The United States, and the following named Chiefs and Delegates, representing the confederated Tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz.: Little Raven, Storm, Shave-Head, and Big Mouth (on the part of the Arapahoes), and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos (on the part of the Cheyennes), they being thereto duly authorized by said confederated tribes of Indians, with the following amendment, viz. :

“ Strike out Article XI, in the following words :

“ ART. XI. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by The United States Government to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and 25 cents per acre.”

Attest :

J. W. FORNEY, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to the Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, in full council assembled, on the [29th day of October, 1861], they did thereunto give their free and voluntary assent in the words and figures following, to wit :

We, the undersigned Chiefs, Councillors, Headmen and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, on behalf of said tribes, now in full council assembled, having had fully explained to us the amendment made on the 6th day of August, 1861, by the Senate of The United States, to the Treaty made and concluded on the 18th day of February, in the year of our Lord 1861, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of

The United States, and the following named Chiefs, Councillors, and Head Men of the Arapahoe and Cheyenne confederated tribes of Indians, viz.: Little Raven, Storm, Shave-Head, and Big Mouth (on the part of the Arapahoes), and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos (on the part of the Cheyennes), they being thereto duly authorized by said confederated tribes of Indians; which amendment is in the following words, viz.:

Strike out Article XI, in the following words:

"ART. XI. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by The United States' Government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and 25 cents per acre."

In testimony whereof, we have hereunto set our hands and affixed our seals this 29th day of October, 1861.

[Signed by 4 Arapahoes and 6 Cheyennes.]

Witnesses:

A. G. BOONE, *Agt., &c., and Commissioner*, and 4 others.

(4.)—TREATY *between The United States and the Delaware Tribe of Indians.—Leavenworth City, July 2, 1861.*

[Ratified by the President of The United States, October 4, 1861.]

WHEREAS, by the Treaty of May 30, 1860,* between The United States and the Delaware tribe of Indians, it is provided that the surplus lands of said Delawares, not included in their "home reserve," should be surveyed and appraised under direction of the Secretary of the Interior; and that in order to aid in the construction of a railroad near and through their said "home reserve," the Leavenworth, Pawnee, and Western Railroad Company of Kansas, duly organized and incorporated under the laws of said territory, should have the right to purchase such surplus lands at such appraised value—on condition, however, that after paying for said lands, said Company should only receive title to one-half of them on completing and equipping, within a reasonable time, 25 miles of said railroad from Leavenworth city westward; and should only receive title to the remaining half of said lands on completing and equipping said road, within a reasonable time, to the western boundary of the "Delaware reserve;" and that in case said Company should fail to pay for said lands, or having paid, should forfeit the same, or any part thereof, before receiving title, by failing to

* Page 493.

construct either the first or the second section of said road within such reasonable time, then the lands so forfeited, or not paid for, should be sold in quantities not exceeding 160 acres, at not less than such appraised value; the proceeds of such sale, subject to a certain contingent deduction, to be invested by the President of The United States in "safe and profitable stocks," for the benefit of said Delaware Indians:

And whereas said surplus lands, to the amount of $223,966\frac{7}{100}$ acres, have been duly surveyed and appraised at an aggregate valuation of $286,742\frac{1}{100}$ dollars:

And whereas the said Leavenworth, Pawnee, and Western Railroad Company has executed, under their corporate seal, and by the hand of Thomas Ewing, junr., their agent, their 29 several bonds, all of even date herewith, and numbered from one to 29, inclusive, for sums amounting in the aggregate to $286,742\frac{1}{100}$, being the amount of the valuation of said surplus lands as above stated, 28 of which said bonds are for the sum of 10,000 dollars each, and one is for the sum of $6,742\frac{1}{100}$ dollars, and payable in 10 years after their date, at the office of the Assistant Treasurer of The United States, in the city of New York, to the Commissioner of Indian Affairs of The United States or bearer, with interest at the rate of 6 per cent. per annum, payable annually at the same place on interest warrants attached to said bonds, which said bonds have been delivered by said Company to Archibald Williams, judge of The United States Court for the district of Kansas, and have been by him received and receipted for as agent of The United States for that purpose specially appointed, in accordance with the instructions of the President of The United States of June 10, 1861, hereto attached and made part hereof, and for the consideration and use in said instructions set forth:

Now, therefore, to secure the payment of said bonds and every part thereof, and of all interest to become due thereon, according to the terms thereof, the Leavenworth, Pawnee, and Western Railroad Company, by its agent hereto specially authorized by resolution of the board of directors of said company of April 11, 1861, a certified copy of which said resolution is hereto attached, hereby agrees with The United States, as trustee for said Delaware tribe of Indians, that in case said company shall at any time hereafter neglect or fail to pay the whole or any part of the interest on all or any one of said bonds, or shall neglect or fail to pay the whole or any part of the principal of all or any one of said bonds, when any such payment, either of principal or of interest, shall become due and payable, then the said railroad company shall be deemed and held to have forfeited all right and title of any kind whatever to the 100,000 acres of land herein described, to wit:

Description.	Section.	Township.	Range.	Meridian.	Description.	Section.	Township.	Range.	Meridian.
				P.M.					P.M.
S.E. quarter ..	2	10	17 E.	6th	Section ..	34	10	20 E.	6th
Section ..	12	10	17 E.	6th	Section ..	36	10	20 E.	6th
West half ..	13	10	17 E.	6th	Section ..	8	10	21 E.	6th
East half ..	14	10	17 E.	6th	Section ..	10	10	21 E.	6th
Section ..	24	10	17 E.	6th	Section ..	12	10	21 E.	6th
West half ..	25	10	17 E.	6th	Section ..	13	10	21 E.	6th
Section ..	36	10	17 E.	6th	Section ..	15	10	21 E.	6th
South half ..	3	10	18 E.	6th	Section ..	17	10	21 E.	6th
South half ..	4	10	18 E.	6th	Section ..	19	10	21 E.	6th
Section ..	9	10	18 E.	6th	Section ..	21	10	21 E.	6th
East half ..	19	10	18 E.	6th	Section ..	23	10	21 E.	6th
East half ..	24	10	18 E.	6th	Section ..	25	10	21 E.	6th
North half ..	25	10	18 E.	6th	Section ..	27	10	21 E.	6th
East half ..	26	10	18 E.	6th	Section ..	29	10	21 E.	6th
West half ..	28	10	18 E.	6th	Section ..	31	10	21 E.	6th
East half ..	30	10	18 E.	6th	Section ..	33	10	21 E.	6th
West half ..	32	10	18 E.	6th	Section ..	35	10	21 E.	6th
Section ..	35	10	18 E.	6th	Section ..	7	10	22 E.	6th
South half ..	1	10	19 E.	6th	Section ..	9	10	22 E.	6th
South half ..	3	10	19 E.	6th	Section ..	11	10	22 E.	6th
South half ..	5	16	19 E.	6th	Section ..	13	10	22 E.	6th
East half ..	7	10	19 E.	6th	Section ..	15	10	22 E.	6th
Section ..	9	10	19 E.	6th	Section ..	17	10	22 E.	6th
Section ..	11	10	19 E.	6th	Section ..	19	10	22 E.	6th
Section ..	13	10	19 E.	6th	Section ..	21	10	22 E.	6th
Section ..	15	10	19 E.	6th	Section ..	23	10	22 E.	6th
Section ..	17	10	19 E.	6th	Section ..	25	10	22 E.	6th
East half ..	19	10	19 E.	6th	Section ..	27	10	21 E.	6th
West half ..	20	10	19 E.	6th	Section ..	29	10	22 E.	6th
Section ..	22	10	19 E.	6th	Section ..	31	10	22 E.	6th
East half ..	23	10	19 E.	6th	Section ..	33	10	22 E.	6th
Section ..	24	10	19 E.	6th	Section ..	35	10	22 E.	6th
South half ..	25	10	19 E.	6th	Section ..	7	10	23 E.	6th
Section ..	26	10	19 E.	6th	Section ..	9	10	23 E.	6th
Section ..	28	10	19 E.	6th	Section ..	11	10	23 E.	6th
West half ..	30	10	19 E.	6th	Section ..	19	10	23 E.	6th
Section ..	32	10	19 E.	6th	South half ..	1	11	17 E.	6th
Section ..	34	10	19 E.	6th	South half ..	12	11	17 E.	6th
Section ..	36	10	19 E.	6th	North half ..	13	11	17 E.	6th
South half ..	2	10	20 E.	6th	South half ..	24	11	17 E.	6th
South half ..	4	10	20 E.	6th	South half ..	2	11	18 E.	6th
S.W. quarter ..	5	10	20 E.	6th	South half ..	4	11	18 E.	6th
S.E. quarter ..	6	10	20 E.	6th	East half ..	6	11	18 E.	6th
Section ..	8	10	20 E.	6th	East half ..	7	11	18 E.	6th
Section ..	10	10	20 E.	6th	Section ..	8	11	18 E.	6th
Section ..	12	10	20 E.	6th	Section ..	10	11	18 E.	6th
Section ..	14	10	20 E.	6th	Section ..	12	11	18 E.	6th
West half ..	15	10	20 E.	6th	Section ..	14	11	18 E.	6th
Section ..	17	10	20 E.	6th	West half ..	15	11	18 E.	6th
East half ..	19	10	20 E.	6th	East half ..	17	11	18 E.	6th
East half ..	20	10	20 E.	6th	East half ..	18	11	18 E.	6th
West half ..	21	10	20 E.	6th	West half ..	20	11	18 E.	6th
Section ..	22	10	20 E.	6th	East half ..	22	11	18 E.	6th
Section ..	24	10	20 E.	6th	West half ..	23	11	18 E.	6th
Section ..	26	10	20 E.	6th	West half ..	24	11	18 E.	6th
Section ..	28	10	20 E.	6th	East half ..	25	11	18 E.	6th
Section ..	30	10	20 E.	6th	South half ..	1	11	19 E.	6th
Section ..	32	10	20 E.	6th	South half ..	3	11	19 E.	6th

Description.	Section.	Township.	Range.	Meridian.	Description.	Section.	Township.	Range.	Meridian.
				P.M.					P.M.
South half ..	5	11	19 E.	6th	Section ..	8	11	21 E.	6th
East half ..	7	11	19 E.	6th	Section ..	10	11	21 E.	6th
Section ..	9	11	19 E.	6th	Section ..	12	11	21 E.	6th
Section ..	11	11	19 E.	6th	South half ..	13	11	21 E.	6th
Section ..	13	11	19 E.	6th	Section ..	14	11	21 E.	6th
Section ..	15	11	19 E.	6th	West half ..	15	11	21 E.	6th
Section ..	17	11	19 E.	6th	Section ..	17	11	21 E.	6th
East half ..	18	11	19 E.	6th	East half ..	18	11	21 E.	6th
East half ..	19	11	19 E.	6th	East half ..	19	11	21 E.	6th
Section ..	21	11	19 E.	6th	East half ..	20	11	21 E.	6th
Section ..	23	11	19 E.	6th	West half ..	21	11	21 E.	6th
Section ..	25	11	19 E.	6th	Section ..	22	11	21 E.	6th
East half ..	24	11	19 E.	6th	South half ..	27	11	21 E.	6th
Section ..	27	11	19 E.	6th	Section ..	28	11	21 E.	6th
Section ..	29	11	19 E.	6th	West half ..	29	11	21 E.	6th
East half ..	30	11	19 E.	6th	East half ..	30	11	21 E.	6th
East half ..	33	11	19 E.	6th	East half ..	31	11	21 E.	6th
West half ..	34	11	19 E.	6th	Section ..	32	11	21 E.	6th
North half ..	35	11	19 E.	6th	Section ..	34	11	21 E.	6th
Section ..	36	11	19 E.	6th	Section ..	3	11	22 E.	6th
South half ..	1	11	20 E.	6th	Section ..	5	11	22 E.	6th
South half ..	2	11	20 E.	6th	East half ..	7	11	22 E.	6th
South half ..	3	11	20 E.	6th	West half ..	8	11	22 E.	6th
South half ..	4	11	20 E.	6th	Section ..	9	11	22 E.	6th
East half ..	7	11	20 E.	6th	Section ..	15	11	22 E.	6th
South half ..	8	11	20 E.	6th	Section ..	17	11	22 E.	6th
South half ..	9	11	20 E.	6th	East half ..	18	11	22 E.	6th
N.W. quarter ..	13	11	20 E.	6th	Section ..	1	12	19 E.	6th
S.W. quarter ..	15	11	20 E.	6th	East half ..	2	12	19 E.	6th
North half ..	17	11	20 E.	6th	South half ..	12	12	19 E.	6th
East half ..	18	11	20 E.	6th	N.E. quarter ..	13	12	19 E.	6th
East half ..	19	11	20 E.	6th	Section ..	1	12	20 E.	6th
North half ..	20	11	20 E.	6th	Section ..	3	12	20 E.	6th
West half ..	21	11	20 E.	6th	Section ..	5	12	20 E.	6th
East half ..	22	11	20 E.	6th	East half ..	6	12	20 E.	6th
South half ..	23	11	20 E.	6th	East half ..	7	12	20 E.	6th
South half ..	24	11	20 E.	6th	Section ..	9	12	20 E.	6th
Section ..	25	11	20 E.	6th	Section ..	11	12	20 E.	6th
South half ..	26	11	20 E.	6th	Section ..	12	12	20 E.	6th
East half ..	27	11	20 E.	6th	Section ..	14	12	20 E.	6th
East half ..	33	11	20 E.	6th	East half ..	15	12	20 E.	6th
Section ..	34	11	20 E.	6th	East half ..	18	12	20 E.	6th
Section ..	36	11	20 E.	6th	East half ..	19	12	20 E.	6th
South half ..	1	11	21 E.	6th	Section ..	21	12	20 E.	6th
South half ..	3	11	21 E.	6th	North half ..	29	12	20 E.	6th
South half ..	5	11	21 E.	6th	S.E. quarter ..	21	12	20 E.	6th
East half ..	7	11	21 E.	6th	Section ..	16	12	20 E.	6th

156½ sections, or 100,000 acres.

And immediately on such failure, The United States may take possession of and sell said lands for the exclusive benefit of said Delaware Indians.

And in case said Company shall forfeit the 100,000 acres above described, it shall thereupon also forfeit all its right and title to all

the lands purchased by it from said Indians, not earned and patented at the date of such forfeiture.

And said Company further agree that, on the completion of the first section of said road, it shall only be entitled to a patent for one-half of the lands not pledged for the payment of said bonds; and on the completion of said second section it shall have a patent for only the remaining half; and that no patent shall issue to it for any of the lands so pledged, until after said bonds and the interest warrants attached shall all and every part of them have been fully and promptly paid and cancelled.

In witness whereof, the said Leavenworth, Pawnee, and Western Railroad Company, by Thomas Ewing, junr., their agent aforesaid, have executed this instrument and attached thereto the seal of said Company, this 2nd day of July, 1861.

The Leavenworth, Pawnee, and Western Railroad Company, by their agent,

THOMAS EWING, JR.

State of Kansas, Leavenworth county, ss.

On this 2nd day of July, A.D. 1861, before me, the Undersigned authority, a notary public in and for the county aforesaid, in the State aforesaid, personally came Thomas Ewing, junr., agent of the Leavenworth, Pawnee, and Western Railroad Company, to me personally known to be the identical person who signed the foregoing instrument of writing, and whose name is thereto affixed as grantor, and he acknowledged the same to be his own voluntary act and deed.

Witness my hand and notarial seal, this 2nd day of July, A.D. 1861.

W. S. VAN DOREN, *Notary Public.*

At a called meeting of the Board of Directors of the Leavenworth, Pawnee, and Western Railroad Company, on Monday, July 1st, 1861, at the office of A. J. Isacks, in Leavenworth city, Kansas, was present, Jas. C. Stone, Amos Rees, Thomas Ewing, junr., and Thomas S. Gladding.

Resolved, That Thomas Ewing, junr., be authorized and directed, as agent of the Company, to make, execute, and deliver to Archibald Williams, as agent of The United States, the bonds and interest warrants of the Company for 286,742 $\frac{1}{100}$ dollars, payable in 10 years from their date, with 6 per cent. interest, payable annually, payable to the Commissioner of Indian Affairs, or bearer, at the office of the Assistant Treasurer of The United States in the city of New York; and also to make and execute to The United States, and cause to be

recorded and delivered to said Williams, as such agent, a mortgage of the Company on the 100,000 acres of Delaware Indian lands, described in the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, of May 29th, 1861; such mortgage to contain all the conditions prescribed in the paper signed by the President of The United States, of June 10th, 1861, the terms of which are hereby accepted by the Company.

I hereby certify that at a meeting of the Board of Directors of the Leavenworth, Pawnee, and Western Railroad Company, held at the office of A. J. Isacks, in the city of Leavenworth, in the State of Kansas, on the 1st day of July, 1861, the foregoing proceedings were had and recorded on the journal of the company; and that the same is a true and correct transcript of the same from the journal of said company.

In testimony whereof, I hereunto sign my name and affix the official seal of the company.

THOS. S. GLADDING, *Secretary L. P. & W. R. R. Co.*

June 10, 1861.

WHEREAS, by the Treaty of Sarcovieville, amended by The United States' Senate, and finally ratified by the President of The United States, on the 22nd day of August, 1860, a principal object of both parties was the construction of a certain contemplated railroad therein named; and to that end the Leavenworth, Pawnee, and Western Railroad Company were to pay into The United States Treasury, in gold or silver coin, a sum of money, afterwards ascertained to be 286,742 $\frac{1\frac{1}{2}}{100}$ dollars, as the appraised value of certain lands in Kansas belonging to the Delaware tribe of Indians; which sum of money, after expending a sufficient part of it to enable the Indians to commence agricultural pursuits under favourable circumstances, was to be, by the President, for said Indians, invested in safe and profitable stocks: And whereas the said railroad company is not able to pay said sum of money within time, according to said Treaty; and whereas the President is of opinion that it is not for the interest of ether party that said object of the Treaty shall fail, but not knowing what would be the desire of said Indians on this point, nor knowing whether any part of said sum would be needed to enable the Indians to commence agricultural pursuits under favourable circumstances, but supposing it probable that no part of it would be so needed, as said Indians now have over 50,000 dollars lying idle in The United States' Treasury: therefore

It is directed by the President that said Railroad Company may execute their bonds, with interest-warrants or coupons attached, according to the forms hereto annexed, the principal of which bonds shall amount to the aggregate sum of 286,742 $\frac{1\frac{1}{2}}{100}$ dollars, and

deposit the same with Archibald Williams, of Kansas, hereby appointed to receive and receipt for the same, to be by him transmitted to the Commissioner of Indian Affairs for the use of said Indians; and also shall, in due and proper form, execute a mortgage upon 100,000 acres of the land contemplated in and by said Treaty to aid in the construction of said railroad, the said 100,000 acres to be the lands designated in the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 29, 1861; said mortgage to be conditioned for the full payment of said bonds, both as to interest and principal, and that on any failure to pay either when due, all right and interest of said Railroad Company in and to said mortgaged land, and also to all such of said land not mortgaged as shall not at that time be earned and patented according to said Treaty, shall be forfeited, and said land again become the absolute property of The United States in trust for said Indians; and said mortgaged lands to be in no event patented to said until said bonds, principal and interest, shall be fully paid. And upon said bonds being so made and deposited, and said mortgage being so executed and duly recorded in Leavenworth county, Kansas, all matters, so far as not necessarily varied by this arrangement, shall proceed in conformity to said Treaty, as if the money had been paid by said Railroad Company and had been invested by the President in said railroad bonds: Provided always, that this arrangement shall be of no effect until Archibald Williams, Judge of The United States' Court for the district of Kansas, shall have endorsed a certificate upon this paper that he has carefully examined the same, and also the bonds and mortgage offered in compliance with its provisions, and has found that bonds and mortgage do in fact comply with and fulfil said provisions; and also that he has had before him the Chiefs and headmen named in said Treaty, as John Connor, Sar-cox-ie, Ne-con-he-con, and Rock-a-to-wha, and has fully explained to them the nature and effect of this departure from the terms of said Treaty, and that they freely assented to the same.

ABRAHAM LINCOLN.

Form of Bond.

10,000 dollars.

No. 1.

Know all men by these presents: that the Leavenworth, Pawnee, and Western Railroad Company is held and bound to The United States, as trustee for the Delaware tribe of Indians, in the sum of 10,000 dollars, to be paid to the Commissioner of Indian Affairs, or bearer, at the office of the Assistant Treasurer of The United States, in the city of New York, in 10 years from the date hereof, on the surrender of this bond, with interest on said sum from the same date, at 6 per cent. per annum, payable annually at the same office,

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on the surrender, as they severally fall due, of the annexed interest warrants. This bond being one of 29 bonds for sums amounting in the aggregate to 290,560 dollars, the payment of which, with the interest warrants attached, is secured by mortgage of even date herewith on 100,000 acres of the land acquired by said Company, under the conditions and provisions of the Treaty between The United States and the Delaware tribe of Indians of May 30, 1860.

In witness whereof the Leavenworth, Pawnee, and Western Railroad Company, by Thomas Ewing, jun., their agent, have signed this obligation, and have attached thereto their corporate seal this 14th day of May, 1861.

The Leavenworth, Pawnee, and Western Railroad Company, by
THOMAS EWING, JR., *Agent*.

Form of Warrant.

THE Leavenworth, Pawnee, and Western Railroad Company promises to pay to the Commissioner of Indian Affairs of The United States or bearer, on the 14th day of May, 1862, at the office of the Assistant Treasurer of The United States, in the city of New York, 600 dollars, interest due that day on their bond No. 1.

The Leavenworth, Pawnee, and Western Railroad Company, by
THOMAS EWING, JR., *Agent*.

Office of Register of Deeds, county of Leavenworth, State of Kansas, ss.

I, W. S. Van Doren, Register of Deeds within and for the county aforesaid, do hereby certify that the within and foregoing instruments of writing were received by me for record this 2nd day of July, A.D. 1861, at half-past 3 o'clock, P.M., and that the same are duly recorded in Book P for recording mortgages, at page 230, &c.

In testimony whereof I have hereunto set my hand and official seal of office, the day and year aforesaid.

W. S. VAN DOREN, *Register of Deeds*.

I, Archibald Williams, Judge of The United States' Court for the district of Kansas, do hereby certify that I have carefully examined the within paper signed by the President of The United [States], and have also examined and approved the bonds and mortgage offered by the Leavenworth, Pawnee, and Western Railroad Company in compliance with its provisions, and have accepted said bonds and mortgage, and receipted to said Company for the same, as agent of The United States, and caused said mortgage to be duly recorded in the office of the Recorder of Deeds for Leavenworth county, Kansas.

And I do further certify, that I have had before me the Chiefs and headmen therein named, as John Connor, Sar-cox-ie, and Ne-con-he-con, and also James Connor, who was the delegate at large of said tribe, in making the Treaty of 1860, and read to them the said paper signed by the President, and fully explained to them the nature and effect of the proposition set forth in said paper; and that, after they had fully discussed the proposition, John Connor, in English, and James Connor, Sar-cox-ie, and Ne-con-he-con, through the said John Connor and other interpreters, declared that they understood it thoroughly, and each freely assented to the same; and that evidence has been presented to me by John Connor and other Chiefs of said tribe, by which I am satisfied that Rock-a-to-wha died several months ago, and that no Chief has been appointed in his place.

Given under my hand at Leavenworth city, Kansas, this 2nd day of July, 1861.

ARCHIBALD WILLIAMS.

And whereas the said Treaty or Agreement having been submitted to the Senate of The United States for its constitutional action thereon, the Senate did, on the 6th of August, 1861, advise and consent to the ratification of the same by a resolution, and with amendments, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

August 6, 1861.

Resolved (two-thirds of the Senators present concurring), that the Senate advise and consent to the ratification of the Treaty or Agreement between the United States of America and the Delaware tribe of Indians relative to certain lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to bonds executed to The United States by the said Company for the payment of the said Indians, done the 2nd day of July, 1861:

Provided, that the provisions of this Treaty shall not be held to apply to any lands not heretofore surveyed and appraised and not included within the limits of said reserve, nor any lands included in any fort or reservation for military purposes:

Provided further, that if 25 miles of said railroad, from Leavenworth city westwardly, is not completed and equipped within 5 years from the ratification hereof, said Company shall thereupon forfeit all right, title, and interest, legal and equitable, in and to all and every part of said lands; and if the remaining section to the western boundary of the said reserve be not completed and equipped within 8 years from the date fixed for the completion of said first section, said company shall thereupon forfeit all right,

title, and interest, legal and equitable, in and to all of said lands not theretofore earned and patented.

Provided further, that in the event of a failure of the said railroad Company to pay the annual interest accruing upon the bonds, secured as above, within 30 days after the same falls due at the end of any year, then and in such case the contract included in this Treaty shall be rescinded and shall be of no binding efficacy upon either party thereto.

Provided further, that no part of said lands shall be patented to said Railroad Company until the money price for such part shall have been fully paid therefor.

And provided, that this Treaty shall not go into operation and be binding on them until accepted by the Indians thus amended.

Attest:

J. W. FORNEY, *Secretary.*

And whereas William P. Dole, Commissioner of Indian Affairs, was designated by the Executive to present the Treaty, as above amended, to the Indians, through their Chiefs and headmen, for their acceptance, and to take such acceptance, if freely given, with the signatures of said Indian Chiefs and headmen, and to certify his proceedings therein to the Executive; and the foregoing amendments having been fully interpreted and explained to the Chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the 2nd day of September, 1861, give their free and voluntary assent in the words and figures following, to wit:

We, the undersigned Chiefs, councillors, and headmen of the Delaware tribe of Indians, acting for and on behalf of said tribe, this day in full council assembled, having had read and carefully explained and interpreted to us the within and foregoing Treaty or Agreement between the United States of America and the Delaware tribe of Indians, concluded on [the] 2nd day of July, 1861, together with the within and foregoing amendments thereto, made by the Senate of The United States on the 6th day of August, 1861, do hereby accept and consent to said Treaty as so amended.

In witness whereof, we have hereunto set our hands and affixed our seals this 2nd day of September, 1861.

[Signed by 5 Chiefs.]

Signed and sealed in presence of:

ISAAC GOLMARKE, *U.S. Int.*, and 3 others.

I hereby certify that the foregoing Treaty or Agreement between The United States and the Delaware tribe of Indians, concluded on the 2nd day of July, 1861, together with the foregoing amendments thereto, made by the Senate of The United States,

on the 6th day of August, 1861, were read and fully explained by me to said Indians, except Sar-cox-ie, through Isaac Journeycake, The United States' interpreter, and to Sar-cox-ie through Charles Journeycake; and that the delegate, Chiefs, councillors, and headmen above named, on behalf of said tribe, this day, in council assembled, did freely accept and consent to said Treaty, together with said amendments, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this 2nd September, 1861.

WM. P. DOLE, *Commissioner Indian Affairs.*

(5.)—*Treaty between The United States and the Pottawatomie Tribe of Indians.—Pottawatomie, November 15, 1861.*

ARTICLES of a Treaty made and concluded at the agency on the Kansas River, on the 15th day of November, in the year of our Lord 1861, by and between Wm. W. Ross, Commissioner on the part of The United States, and the undersigned Chiefs, braves, and headmen of the Pottawatomie nation, on behalf of said nation.

ART. I. The Pottawatomie tribe of Indians believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of 576,000 acres, which was acquired by them for the sum of 87,000 dollars, by Article IV of the Treaty between The United States and the said Pottawatomies,* proclaimed by the President of The United States on the 23rd day of July, 1846, and to allot lands in severalty to those of said tribe who have adopted the customs of the whites and desire to have separate tracts assigned to them, and to assign a portion of said reserve to those of the tribe who prefer to hold their lands in common: it is therefore agreed by the parties hereto that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, the expense whereof shall be paid out of the sales of lands hereinafter provided for, and the quantity of land hereinafter provided to be set apart to those of the tribe who desire to take their lands in severalty, and the quantity hereinafter provided to be set apart for the rest of the tribe in common; and the remainder of the land, after the special reservations hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

II. It shall be the duty of the agent of The United States for said tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common, designating Chiefs and headmen, respectively;

* Vol. XXXVIII. Page 1196.

each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind. And thereupon there shall be assigned, under the direction of the Commissioner of Indian Affairs, to each Chief at the signing of the Treaty, one section; to each headman, one half section; to each other head of a family, one quarter section; and to each other person 80 acres of land, to include, in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee or leased or otherwise disposed of only to The United States, or to persons then being members of the Pottawatomie tribe and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person to whom they are issued shall be deemed to have relinquished all right to any portion of the lands assigned to others in severalty, or to a portion of the tribe in common, and to the proceeds of sale of the same whensoever made.

III. At any time hereafter when the President of The United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provisions of the foregoing Article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the request of such persons, cause the lands severally held by them to be conveyed to them by patent in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in cash or in the bonds of The United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by The United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this Treaty. And on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of The United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: Provided, That, before making any such application to the

President, they shall appear in open court in the district court of The United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

IV. To those members of said tribe who desire to hold their lands in common there shall be set apart an undivided quantity sufficient to allow one section to each chief, one-half section to each headman, and 160 acres to each other head of a family, and 80 acres of land to each other person, and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the Treaty of 1846. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to the lands assigned in severalty and in the proceeds of sales thereof whenever made.

V. The Pottawatomies believing that the construction of the Leavenworth, Pawnee, and Western railroad from Leavenworth city to the western boundary of the former reserve of the Delawares is now rendered reasonably certain, and being desirous to have said railroad extended through their reserve, in the direction of Fort Riley, so that the value of the lands retained by them may be enhanced, and the means afforded them of getting the surplus product of their farms to market, it is provided that the Leavenworth, Pawnee, and Western Railroad Company shall have the privilege of buying the remainder of their lands within 6 months after the tracts herein otherwise disposed of shall have been selected and set apart, provided they purchase the whole of such surplus lands at the rate of 1 dollar and 25 cents per acre.

And if said Company make such purchase it shall be subject to the considerations following, to wit: They shall construct and fully equip a good and efficient railroad from Leavenworth city to a point half way between the western boundary of the said former Delaware reserve and the western boundary of the said Pottawatomie reserve (being the first section of said road), within 6 years from the date of such purchase, and shall construct and fully equip such road from said last-named point to the western boundary of said Pottawatomie reserve (being the second section of said road), within 3 years from the date fixed for the completion of said first section; and no patent or patents shall issue to said Company or its assigns for any of said lands purchased until the first section of said railroad shall have

been completed and equipped, and then for not more than half of said lands, and no patent or patents shall issue to said Company or its assigns for any of the remaining portion of said lands until said second section of said railroad shall have been completed and equipped as aforesaid; and before any patents shall issue for any part of said lands, payment shall be made for the lands to be patented at the rate of 1 dollar and 25 cents per acre; and said Company shall pay the whole amount of the purchase-money for said lands in gold or silver coin, to the Secretary of the Interior of The United States, in trust for said Pottawatomie Indians, within 9 years from the date of such purchase, and shall also in like manner pay to the Secretary of the Interior of The United States, in trust as aforesaid, each and every year, until the whole purchase-money shall have been paid, interest from date of purchase, at 6 per cent. per annum, on all the purchase-money remaining unpaid.

And if said Company shall fail to complete either section of such railroad in a good and efficient manner, or shall fail to pay the whole of the purchase-money for said land within the times above prescribed, or shall fail to pay all or any part of the interest upon said purchase-money each year as aforesaid within 30 days from the date when such payment of interest shall fall due, then the contract or purchase shall be deemed and held absolutely null and void, and shall cease to be binding on either of the parties thereto, and said Company and its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been before the date of such forfeiture earned and patented pursuant to the provisions of this Treaty.

And whenever any patent shall issue to said Railroad Company for any part of said lands, it shall contain the condition that the said Company shall sell the land described in such patent, except so much as shall be necessary for the working of the road, within 5 years from the issuing of such patent.

And said Company shall have the perpetual right of way over the lands of the Pottawatomies not sold to it for the construction and operation of said railroad, not exceeding 100 feet in width, and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of said road, making compensation for any damages to improvements done in obtaining such material, and for any damages arising from the location or running of said road to improvements made before the road is located. Such

damages and compensation, in cases where said Company and the persons whose improvements are injured or property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said Company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with 6 per cent. interest thereon from the date when the same shall have been ascertained and demanded.

And in case said Company shall not purchase said surplus lands, or, having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than 1 dollar and 25 cents per acre, and shall sell the same, in quantities not exceeding 160 acres, at auction to the highest bidder for cash, at not less than such appraised value.

VI. There shall be selected by the Commissioner of Indian Affairs 320 acres of land, including the church, school-houses, and fields of the St. Mary's Catholic Mission, but not including the buildings and enclosures occupied and used by persons other than those connected with the mission, without the consent of such persons, which shall be conveyed by the Secretary of the Interior to John F. Diel, John Summacker, and M. Gerillain, as trustees for the use of the society under whose patronage and control the church and school have been conducted within the last 14 years; on condition, however, that, so long as the Pottawatomie nation shall continue to occupy its present reservation, or any portion thereof, the said land shall be used and its products devoted exclusively to the maintenance of a school and church for their benefit. And there shall be reserved and conveyed in like manner, and upon like conditions, 320 acres of land, including the Baptist Mission buildings and enclosures, such conveyances to be made to such persons as may be designated by the Baptist Board of Missions.

VII. By Article VIII of the Treaty of June 5th, 1846, between The United States and the Pottawatomie Indians, it is stipulated "that the annual interest of their improvement fund shall be paid out promptly and fully for their benefit at their new homes. If, however, at any time thereafter, the President of The United States shall be of opinion that it would be advantageous to the Pottawatomie nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons, to the purchase of implements or machines, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid, at the time of the general payment of annuities."

It is hereby agreed that the interest arising from said improvement fund shall, in all cases hereafter, be paid in such machines and implements as will be useful to the people in their agricultural pursuits, as long as the nation shall desire it to be done, except that the shops and mechanics and physicians, now sustained by the funds of the nation, shall continue to be maintained, as at this time, for one year after this Treaty shall have been ratified.

VIII. If at any time hereafter any band or bands of the Pottawatomie nation shall desire to remove from the homes provided for them in this Treaty, it shall be the duty of the Secretary of the Interior to have their proportionate part of the lands which may be assigned to the tribe appraised and sold, and invest such portion of the proceeds thereof as may be necessary in the purchase of a new home for such band or bands, leaving the remainder, should any remain after paying the expense of their removal, to be invested in 6 per cent. bonds of The United States, for the benefit of such band or bands. Such band or bands so removed shall continue to receive their proportion of the annuities of the tribe.

IX. No provision of this Treaty shall be so construed as to invalidate any claim heretofore preferred by the Pottawatomies against The United States arising out of previous Treaties.

X. It is hereby agreed that the Commissioner of Indian Affairs shall set apart, for the benefit of said allottees, their equal *pro rata* share of the improvement fund of the tribe, which sum so set apart may be expended in whole or in part by the said Commissioner, and under his direction, for agricultural purposes, as he shall from time to time deem expedient and for the welfare of the said Indians.

XI. Should the Senate reject or amend any of the above Articles such rejection or amendment shall not affect the other provisions of this Treaty, but the same shall go into effect when ratified by the Senate and approved by the President.

WM. W. ROSS, *Commissioner on behalf of United States.*

[Signed by 86 Chiefs.]

Signed in presence of:

L. R. PALMER, and 8 others.

BRITISH ORDER IN COUNCIL, *granting the privilege of Copyright in the British Dominions to the Authors of Works of Literature and the Fine Arts, first published, and to the Authors of Dramatic Pieces or Musical Compositions first represented or performed, within the States of Sardinia.*—*
London, February 4, 1861.

At the Court at Buckingham Palace, the 4th day of February, 1861.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS a Convention has been concluded between Her Majesty and the King of Sardinia, whereby due protection has been secured within the States of His Sardinian Majesty, for the benefit of authors of books, dramatic pieces, musical compositions, drawings, paintings, articles of sculpture, engravings, lithographs, and any other works of literature and of the fine arts, in which the laws of Great Britain and of the States of His Sardinian Majesty do now, or may hereafter, give their respective subjects the right of property or copyright, and for the benefit of the lawful representatives or assigns of such authors, with regard to any such works first published within the dominions of Her Majesty:

Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by virtue of the authority committed to Her by an Act passed in the session of Parliament, holden in the 7th and 8th years of Her reign, intituled "An Act to amend the law relating to international copyright;" [cap. 12]† and of another Act passed in the session of Parliament, holden in the 15th and 16th years of Her reign, [cap. 12]‡ intituled "An Act to enable Her Majesty to carry into effect a Convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to Copyright in Engravings;" doth order, and it is hereby ordered, that from and after the day next after the day of the publication hereof in the "London Gazette," the authors, inventors, designers, engravers, and makers of any of the following works, that is to say, books, dramatic works, musical compositions, drawings, paintings, sculpture, engravings, lithographs, and any other works of literature and the fine arts, in which the laws of Great Britain give to British subjects the privilege of copyright, and the executors, administrators, and assigns of such authors, inventors, designers, engravers, and makers respectively, shall, as respects works

* "London Gazette" of February 5, 1861.

† Vol. XXXIV. Page 1128.

‡ Vol. XLf. Page 675.

first published within the States of His Sardinian Majesty after the said day next after the day of publication hereof, have the privilege of copyright therein for a period equal to the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively, first published in the United Kingdom, are by law entitled to; provided such books, dramatic works, musical compositions, drawings, paintings, sculpture, engravings, lithographs, or other works of literature or the fine arts, shall have been registered, and copies thereof shall have been delivered according to the requirements of the said recited Acts, within 3 months after the first publication thereof in any part of the States of His Sardinian Majesty, or if such work be published in parts, then within 3 months after the publication of the last part thereof;

And it is hereby further ordered, that the authors of dramatic pieces and musical compositions, which shall after the day aforesaid be first publicly represented or performed within the States of His Sardinian Majesty, or their executors, administrators, or assigns, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions, during a period equal to the period during which authors of dramatic pieces and musical compositions, first publicly represented or performed in The United Kingdom, are entitled by law to the sole liberty of representing or performing the same; provided such dramatic pieces or musical compositions have been registered, and copies thereof have been delivered according to the requirements of the said first-recited Act, within 3 months after the time of their being first represented or performed in any part of the States of His Sardinian Majesty;

And Her Majesty, by and with the advice aforesaid, and by virtue of the authority of the said secondly hereinbefore-recited Act, doth hereby order that the authors of any works published, or of any dramatic pieces first publicly represented in the States of His Sardinian Majesty at any time after the day next after the day of the publication hereof in the "London Gazette," who may choose to reserve the right of translating such works or dramatic pieces, their executors, administrators, and assigns shall, until the expiration of 5 years from the date of the first publication or the translations authorized by them respectively of such works, or from the time at which the translations authorized by them of such dramatic pieces are first published or publicly represented, be entitled, subject to the provisions mentioned in the said last-mentioned Act, to prevent the publication in the British dominions of any translation of such works or dramatic pieces, and the representation therein of any translation of such dramatic pieces not so respectively authorized by them.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

ARTHUR HELPS.

BRITISH ORDER IN COUNCIL, amending the Order of January 23, 1860,* respecting the Power and Jurisdiction of Her Majesty in Japan.†—London, February 4, 1861.

At the Court at Buckingham Palace, the 4th day of February, 1861.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS Her Majesty was pleased, on the 23rd day of January in the year of our Lord 1860, by and with the advice of her Privy Council, to issue a certain Order for the exercise of the power and jurisdiction which Her Majesty has in the dominions of the Tycoon of Japan, under and by virtue of an Act of Parliament made and passed in the session of Parliament holden in the 6th and 7th years of the reign of Her Majesty, [cap. 94],‡ intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual." And whereas it is expedient that the said Order should be amended as hereinafter mentioned. Now, therefore, in pursuance of the above recited Act of Parliament, Her Majesty is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :

I. The 7th and 8th Articles of the said Order of the 23rd day of January, A.D. 1860, shall be, and the same are hereby revoked and cancelled, save and except as to all Acts, matters, and things done under the said 7th and 8th Articles of the said Order, or either of them, or which may hereafter be done under the same, or either of them, by Her Majesty's Consul-General, or by any Consul, Vice-Consul, or Consular Agent in Japan, or by any person duly authorized to act as such, previously to the day next succeeding the day on which this Order shall be received by the Consul-General in Japan.

II. And it is further ordered, that any charge against a British subject for a breach of any rules and regulations other than those relating to the observance of Treaties be heard and determined by

* Vol. L. Page 637.

† "London Gazette" of February 5, 1861.

‡ Vol. XXXI. Page 984.

the Consul; and in all cases in which the penalty shall not exceed 200 dollars or one month's imprisonment, the Consul shall hear and determine the charge summarily, without the aid of assessors; but when the penalty attached to a breach of any rules and regulations other than those relating to the observance of Treaties, shall amount to more than 200 dollars, or to imprisonment for more than one month, it shall be obligatory upon the Consul before he shall proceed to hear the charge, to summon two British subjects of good repute, residing within his district, to sit with him as assessors, which assessors shall, however, have no authority to decide on the innocence or guilt of the party accused, or on the amount of fine or imprisonment to be awarded to him on conviction; but it shall rest with the Consul to decide on the guilt or innocence of the party accused, and on the amount of fine or imprisonment to be awarded to him: provided always, that in no case shall the penalty to be attached to a breach of rules and regulations other than those for the observance of Treaties, exceed 500 dollars, or three months' imprisonment; and provided further, that in the event of the said assessors, or either of them, dissenting from the conviction of the party accused, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the grounds thereof, and shall require good and sufficient security for the appearance of the party convicted at a future time, in order to undergo his sentence, or receive his discharge; and the Consul shall, within 20 days, report his decision, with all the particulars of the case, together with the dissent of the assessors, or either of them, and the grounds thereof, to Her Majesty's Envoy Extraordinary and Minister Plenipotentiary and Consul-General in Japan, who shall have authority to confirm, or vary, or reverse the decision of the Consul as to the said Envoy Extraordinary and Minister Plenipotentiary and Consul-General may seem fit: provided always, that if an appeal shall be entered against the decision of the Consul, no such report shall be made to Her Majesty's Envoy Extraordinary and Minister Plenipotentiary and Consul-General, on the ground of the dissent of the assessors, or either of them, but the appeal shall be prosecuted in the manner hereinafter ordered.

III. And it is further ordered, that in any question relating to the observance of Treaties, or of rules and regulations for the observance of Treaties, or of rules and regulations other than those for the observance of Treaties, a report of any and every decision made by a subordinate Consular Officer, with or without the aid of assessors, shall be sent in by such subordinate Consular officer to the superior Consular officer of the district, and that on the receipt of such report, the superior Consular officer of such district shall proceed, without assessors, to revise such decision as to him may

seem fit, and such revision shall have, for the purposes of the said recited Order, and of this Order, the same effect as if the case had been originally heard and determined by such superior Consular officer, with or without the aid of assessors: provided always, that in any case in which the assessors, or either of them, shall dissent from a decision of a subordinate Consular officer, such decision shall not be subject to revision by the superior Consular officer, but, in the event of no appeal being entered as aforesaid, shall be submitted to Her Majesty's said Envoy Extraordinary and Minister Plenipotentiary and Consul-General, for revision, in the same manner as if such decision had been originally made by the superior Consular officer.

IV. Provided always, and it is hereby further ordered, that Her Majesty's said Envoy Extraordinary and Minister Plenipotentiary and Consul-General shall once at least in every year, report to Her Majesty's Principal Secretary of State for Foreign Affairs his decision on all cases heard and decided by him under and by virtue of this Order, together with the particulars thereof.

V. And it is further ordered, that this Order shall be read and construed with and as part of the said recited Order of the 23rd day of January, in the year of our Lord 1860, which, save as by this Order is otherwise provided, is to remain and continue in full operation and effect in all particulars.

And the Right Honourable Lord John Russell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

***BRITISH NOTIFICATION of the Sardinian Blockade of
Gâeta.*—London, February 6, 1861.***

Foreign Office, February 6, 1861.

It is hereby notified that the Right Honourable the Lord John Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from his Excellency the Marquis d'Azeglio, the Sardinian Minister in London, the following official communication:

Londres, 23, Park Lane, le 4 Février, 1861.

L'escadre de Sa Majesté le Roi ayant avec un nombre suffisant de vaisseaux pour le rendre effectif, établi le blocus de la place de

* "London Gazette" of February 6, 1861.

Gaëte à partir du 20 Janvier dernier, le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Sardaigne, a l'honneur officiellement d'en informer son Excellence Lord John Russell, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique.

En exécutant à ce sujet les instructions de son Gouvernement, le Soussigné s'empresse de porter en outre à la connaissance de son Excellence que la déclaration du Congrès de Paris, en date du 16 Avril, 1856,* par rapport aux intérêts des Puissances neutres, sera mise en pratique.

Le Soussigné, &c.

V. E. D'AZEGLIO.

BRITISH NOTIFICATION of the raising of the Sardinian Blockade of Gaeta.†—London, February 22, 1861.

Foreign Office, February 22, 1861.

WITH reference to the notification, dated the 6th day of February instant, and inserted in the London Gazette of the 8th February instant, on the subject of the blockade of the fortress of Gaeta, it is hereby further notified that the Right Honourable the Lord John Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Marquis d'Azeglio, the Sardinian Minister in London, the following official communication :

Londres, 23, Park Lane, le 19 Février, 1861.

La capitulation de Gaëte le 18 courant ayant mis fin au blocus de cette place, notifié officiellement au Gouvernement de Sa Majesté Britannique en date du 4 Février, le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Sarde, a l'honneur, par ordre de son Gouvernement, de porter à la connaissance de son Excellence Lord John Russell, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique, la terminaison de ce blocus, et le prie d'agréer, &c.

V. E. D'AZEGLIO.

* Vol. XLVI. Page 26.

† "London Gazette" of February 22, 1861.

BRITISH NOTIFICATION, of the Sardinian Blockade of the Citadel of Messina and neighbouring Ports, but not of the Commercial Port of that City.*—London, March 8, 1861.

Foreign Office, March 8, 1861.

It is hereby notified, that the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from his Excellency the Marquis d'Azeglio, the Sardinian Minister in London, an official communication, dated the 7th March instant, stating that the Sardinian Admiral, Persano, had, on and from the 5th of March instant, established the blockade of the citadel of Messina and of the neighbouring ports, with a number of ships of war sufficient to render this blockade effective.

The Sardinian Minister further states that he is officially informed by the Sardinian Government that the commercial port of the city of Messina is not comprised in this blockade, and that such port consequently remains free from blockade and open to trade.

BRITISH NOTIFICATION, of the Turkish Blockade of the Coasts of Albania.†—London, April 22, 1861.

Foreign Office, April 22, 1861.

It is hereby notified, that the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from his Excellency the Ambassador Extraordinary and Plenipotentiary of His Imperial Majesty the Sultan, an official communication, dated London, the 18th of April instant, informing his Lordship that the Imperial Government of the Sultan at Constantinople had received a telegraphic despatch from Dilaver Bey, commanding the Turkish naval forces, charged with the blockade of the coast of Albania, announcing that, on the 13th April instant, he had, with the naval forces under his orders, established a blockade of the ports and of all the coasts of Albania, from Durazzo (which is included in the said blockade) to the Austrian frontier.

* "London Gazette" of March 8, 1861.

† "London Gazette" of April 23, 1861.

*DISCOURS du Roi des Pays-Bas, à l'Ouverture de l'Assemblée
Législative.—La Haye, le 17 Septembre, 1860.*

MESSIEURS,

IL m'est permis d'ouvrir de nouveau votre session avec un sentiment de reconnaissance. Notre patrie, abondamment bénie, maintient la place qui lui revient parmi les autres Etats.

Nos relations avec toutes les Puissances font preuve d'une amitié réciproque.

Nos forces de mer et de terre continuent leurs efforts louables pour se mettre en état de remplir en tout temps leur devoir, et les sommes destinées par votre coopération à assurer la protection du territoire de l'Etat, sont employées avec soin. Depuis longtemps le besoin s'est fait sentir de revoir les règlements organiques sur la milice nationale; une loi sur cette matière sera soumise incessamment à vos délibérations.

L'état sanitaire de la population s'est amélioré. J'espère que les prescriptions légales sur l'exercice de la médecine, que vous aurez à examiner, contribueront à favoriser cette branche importante de la prospérité publique.

Les sciences, cultivées avec zèle, augmentent les connaissances qui sont un besoin de la société. Les belles-lettres et les arts tendent aussi à répandre parmi le peuple un plus haut degré de civilisation.

L'agriculture est en général prospère, malgré le dommage causé par les pluies à la récolte.

Les chantiers de construction sont encore en souffrance; la position des armateurs ne s'est pas améliorée. La pêche du hareng par contre a eu de bons succès.

Le commerce, bien qu'éprouvant l'influence de l'inquiétude qui règne en Europe, produit des résultats assez satisfaisants. Les fabriques et les manufactures tendent à améliorer leurs procédés et à activer leurs relations. Chaque fois que ces intérêts ou ceux des communications intérieures et internationales exigent l'intervention de mon Gouvernement, j'ai soin qu'elle ne fasse pas défaut. L'examen vous attend d'un projet fort simplifié de tarif des droits d'entrée et de sortie, et je me flatte de pouvoir arrêter bientôt des mesures devenues de plus en plus désirables, pour rendre aussi les formalités du transit moins incommodes. Les travaux pour la construction des chemins de fer ont commencé, dès que la loi qui s'y rapporte a été promulguée. Le réseau de télégraphes a été étendu et un câble sous-marin relie les Provinces de la Nord-Hollande et de la Frise. La situation prospère du trésor me permet de vous faire sous peu des propositions, pour assurer aux villes d'Amsterdam

et de Rotterdam une meilleure communication avec la Mer du Nord.

Le produit des impositions, même en comparaison des années précédentes, donne sujet de contentement.

L'état des Colonies est sous tous les rapports satisfaisant. Le courage et la persévérance de la marine et de l'armée ont mené à bonne fin la soumission de Boni ; l'état de Banjermassing a été placé sous notre administration directe. La possession des Indes Néerlandaises, où la population et le bien-être ont augmenté, a de nouveau produit de grands avantages, dont une partie considérable est employée au développement de ces contrées. En multipliant les relations dans l'Archipel Indien, rendues plus sûres par une augmentation du nombre des phares, au moyen de nouveaux établissements d'instruction et enfin par l'amélioration considérable des voies de communication, on espère atteindre ce but.

Le projet de loi sur l'émancipation des esclaves dans les Colonies des Indes Occidentales sera soumis de nouveau, avec quelques modifications à vos délibérations.

En dehors de ces projets il y en a encore d'autres, Messieurs, non moins importants qui réclameront votre coopération. Mais l'avenir de la patrie ne dépend pas de nos délibérations seulement, puisse-t-elle éprouver la miséricorde de Dieu tout puissant.

Je déclare ouverte la session ordinaire des Etats Généraux.

*DISCOURS du Roi des Belges, à l'Ouverture des Chambres.
Bruxelles, le 12 Novembre, 1861.*

MESSEURS,

C'EST avec une bien douce satisfaction que je me retrouve au milieu des représentants de cette nation fidèle, à laquelle m'unissent depuis plus de 30 ans des liens d'affection et de confiance que le temps n'a fait que fortifier.

Les relations de la Belgique avec les pays étrangers se maintiennent dans des conditions favorables à ses intérêts et conformes à ses devoirs de neutralité.

Un Traité de commerce de la plus haute importance a été conclu dans le courant de cette année entre la Belgique et la France. Il aura pour résultat de cimenter de plus en plus les bons rapports entre les deux pays. Les mêmes principes seront appliqués dans nos relations avec la Grande-Bretagne, et ils serviront de base aux négociations que nous aurons à ouvrir encore avec d'autres Etats.

Nous continuerons en outre de favoriser notre commerce, ainsi que notre production agricole et industrielle, en ajoutant de nouvelles voies de communication à celles, déjà si nombreuses et si variées, qui sillonnent notre territoire.

Une Convention récente conclue avec les Pays-Bas a mis fin aux difficultés qui avaient surgi relativement au régime des eaux de la Meuse. Cet arrangement contribuera à maintenir nos rapports de bon voisinage avec une nation amie dont j'ai été heureux, dans une circonstance récente, de rencontrer l'illustre chef au sein de la patriotique cité de Liège.

Les renseignements recueillis sur l'état de nos récoltes présentent leur résultat sous un aspect moins défavorable qu'on ne l'avait d'abord présumé. A l'étranger les récoltes sont en général satisfaisantes dans les pays qui exportent leurs céréales, et le régime libéral adopté en Belgique permet de dire que le déficit sera facilement comblé par le commerce.

Plusieurs lois importantes présentées dans les sessions de 1859 et de 1860 pourront, je l'espère, être discutées et votées dans le cours de la session actuelle.

D'autres projets non moins intéressants seront soumis à vos délibérations.

Nos lois de milice appellent depuis longtemps une réforme. Un projet vous sera soumis qui, en corrigeant, au point de vue administratif, les vices du système actuel, aura pour but d'assurer une équitable compensation à ceux qui consacrent une partie de leur jeunesse au noble métier des armes, pour le service de l'Etat.

Cette réforme aura, je n'en doute pas, les conséquences les plus heureuses pour la bonne constitution de l'armée, si digne de notre sollicitude.

La garde civique rivalise avec elle de patriotisme et de zèle, et le grand succès qu'a obtenu dans ses rangs l'institution du tir national atteste son vif désir de perfectionner de plus en plus son instruction.

L'enseignement public à tous les degrés, les lettres, les sciences et les beaux-arts concourent au progrès général du pays et rencontrent, dans mon Gouvernement comme au sein des chambres, un appui sympathique et persévérant.

La dernière exposition d'Anvers a fait briller l'école Belge d'un nouvel éclat et les artistes de tous les pays, réunis au sein de notre métropole commerciale, y ont reçu l'accueil hospitalier que leur devait la patrie de Rubens et de Van Dyck.

Malgré les crises de diverse nature que nous traversons, la situation financière est satisfaisante.

L'exécution des mesures prescrites par la loi pour la révision des opérations cadastrales se poursuit avec activité.

La contribution personnelle donne lieu à des réclamations fondées: la loi qui l'a établie sera révisée.

Les abus qui se sont révélés dans l'exercice des droits électoraux et qui ne pourraient se généraliser sans porter atteinte à l'honneur de nos institutions représentatives, appellent des mesures répressives que commandent à la fois l'intérêt et la dignité de toutes les opinions.

On a également reconnu la nécessité de combler les lacunes que présente la législation existante tant pour les fondations et l'administration des biens affectés aux études que pour la gestion et le contrôle de ceux qui sont consacrés aux cultes.

Enfin, Messieurs, l'examen des questions qui se rattachent à l'organisation judiciaire étant arrivé à son terme, une loi vous sera présentée pour régler cet important objet.

Les nombreux travaux qui s'offrent à l'activité des Chambres permettent d'espérer des résultats féconds pour la présente session.

Représentants de la nation, que l'esprit de maturité, de modération et de calme qui distingue les Chambres Belges continue de présider à vos délibérations, que le même patriotisme vous inspire, et grâce au concours actif et bienveillant que je réclame de votre confiance, il sera donné à mon Gouvernement de consolider et de perfectionner de plus en plus l'œuvre nationale entreprise en commun et placée sous notre commune sauvegarde.

*TRAITE d'Amitié, de Commerce, et de Navigation entre la Grèce et la Perse.—Conclu à Constantinople, le 1^{er} Octobre, 1861.**

[Ratifications échangées à Constantinople, le 11 Mars, 1862.]

Au nom de Dieu Clément et Miséricordieux.

SA Haute Majesté Othon I, Roi de Grèce, le Monarque illustre et libéral, et Sa Majesté, dont l'étendard est le soleil, l'auguste, le Grand Monarque, l'Empereur de toute la Perse, l'un et l'autre également et sincèrement désireux d'établir des rapports d'amitié entre les deux Etats, ont voulu les consolider par un Traité d'Amitié, de Commerce et de Navigation, réciproquement avantageux et utile aux sujets des deux Hautes Parties Contractantes.

A cet effet, ont désigné pour leurs Plénipotentiaires:

* Signed also in the Greek language.

Sa Majesté le Roi de Grèce, son Excellence le Sieur Marc Renieri, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sublime Porte Ottomane, Chevalier de l'Ordre Royal du Sauveur, &c. ;

Et Sa Majesté l'Empereur de toute la Perse, son Excellence Hadji-Mirza-Houssein-Khan, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sublime Porte Ottomane, décoré de l'Ordre Impérial du Lion et du Soleil de première classe, avec Grand Cordon vert, de l'Ordre Impérial de Sertipi et Serhenki de première classe, avec leurs Cordons spéciaux, de l'Ordre Impérial du Medjidié, de première classe, Grand-Croix de l'Ordre de l'Epée de Suède et Norvège, Grand-Croix de l'Ordre de Léopold, Commandeur de Sainte-Anne de Russie en brillants, et Porteur de la Ceinture en diamants, &c.

Et les deux Plénipotentiaires, réunis à Constantinople, ayant échangé leurs pleins pouvoirs, et les ayant trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. Il y aura, désormais, amitié sincère et une constante bonne intelligence entre l'auguste Royaume de Grèce et les sujets de ce Royaume et l'auguste Empire de Perse et les sujets de cet Empire.

II. Les Envoyés ou Agents Diplomatiques qu'il plairait à chacune des deux Hautes Puissances Contractantes d'envoyer et d'entretenir près de l'autre, y seront reçus et traités, eux et tout le personnel de la Mission, comme sont reçus et traités par cet Etat les Envoyés ou Agents Diplomatiques des autres Puissances amies les plus favorisées, et ils y jouiront, de tous points, des mêmes honneurs, immunités et privilèges.

III. Les sujets des deux Hautes Parties Contractantes pourront désormais parcourir, en pleine liberté, les territoires respectifs, et les traverser pour se rendre dans les pays voisins, sans qu'ils en soient empêchés par les autorités locales, qui, de leur côté, mettront la plus vive sollicitude à les préserver de tout désagrément, en veillant continuellement à leur sûreté personnelle, en les traitant avec tous les égards possibles, afin qu'ils n'éprouvent ni dommage, ni entrave ou vexation quelconque dans leur voyage, et en les munissant, à cet effet, de sauf-conduits, firmans, ou autres documents.

IV. Les sujets des deux Hautes Cours qui, en leur qualité de commerçants, industriels ou voyageurs, se rendraient sur les territoires respectifs pour leurs affaires, y seront accueillis et traités, dès leur entrée jusqu'à leur sortie, avec les mêmes égards et sur le même pied que les sujets des nations les plus favorisées.

En conséquence, les sujets des deux Hautes Parties Contractantes pourront, soit par terre soit par mer, librement importer dans les pays respectifs, en exporter ou y transporter des mar-

handises, et exercer le commerce dans toute l'étendue des deux Empires, conformément aux règlements et aux lois en vigueur dans les pays respectifs, y louer des maisons, des magasins et des boutiques pour leurs affaires, et ils ne seront soumis, sous aucun nom ou prétexte, à un impôt quelconque auquel ne seraient point soumis les sujets des nations les plus favorisées.

Il est bien entendu que tout avantage, droit ou privilège que les deux Hautes Parties Contractantes accorderont à une nation tierce, ce même avantage, droit ou privilège sera aussi accordé aux sujets des deux Etats respectifs, sauf les avantages que l'une des Parties Contractantes accorderait sur l'assurance d'avantages particuliers. Il est entendu pourtant que chacune des Hautes Parties Contractantes est en droit de demander ces mêmes avantages sur la concession d'un équivalent, à condition que cet équivalent soit de nature à être agréé et accepté par l'autre partie.

Les sujets des deux Hautes Parties Contractantes qui voudraient faire le commerce intérieur dans les deux pays, seront soumis, quant à ce commerce, aux lois du pays où ce commerce se fait.

Les officiers, employés ou sujets de la Haute Cour d'Iran ne pourront entrer de force dans le domicile d'un sujet Grec, ni dans ses magasins ou boutiques, et, en cas de nécessité, il faudra en prévenir l'Agent Diplomatique ou le Consul de Grèce, là où il y en a, qui, de leur côté, s'empresseront de se conformer à la demande de l'autorité locale, et toute perquisition domiciliaire ne pourra se faire qu'en présence des commissaires délégués par le dit Agent ou Consul.

Dans les localités où il n'y a pas d'Agent ou Consul de Grèce, les sujets de cette Puissance seront traités, à cet égard, sur le même pied que le sont les sujets des nations les plus favorisées, dans les endroits où il n'y a pas d'Agent ou Consul de leur Gouvernement.

V. Les sujets Grecs qui importeraient des marchandises en Perse ou en exporteraient, seront traités, à l'égard des droits de douane, sur le même pied que les sujets des nations Chrétiennes les plus favorisées.

Parcillemeut, les sujets Persans qui importeraient des marchandises dans les Etats du Royaume de Grèce ou en exporteraient, seront traités, à l'égard des droits de douane et impôts, sur le même pied que les sujets des nations les plus favorisées.

VI. Les bâtimens de commerce qui entreront et séjourneront dans les ports de l'un ou de l'autre Etat, qu'ils soient sur lest ou chargés de marchandises, jouiront, dès leur arrivée jusqu'à leur départ, de tous les égards et privilèges, et ne seront assujettis à d'autres ni à de plus forts droits que ceux acquittés par les navires des nations les plus favorisées.

Les marchandises et produits de toute espèce, sans distinction de leur provenance ni de leur destination, qui seraient importés ou exportés par les navires respectifs des deux Hautes Parties Contractantes, paieront, dans l'un et l'autre Etat, les mêmes droits de douane que paient les navires de commerce des Puissances Chrétiennes les plus favorisées, soit à l'entrée des marchandises et produits dans les Etats respectifs, soit à leur sortie.

VII. S'il arrive que quelque navire Hellène ou Persan fasse naufrage dans les ports ou sur les côtes des territoires respectifs, tout secours possible lui sera donné de la même manière qu'aux navires des Puissances les plus favorisées.

VIII. Pour la protection de leurs sujets et de leur commerce respectifs, et pour faciliter de bonnes et équitables relations entre les sujets des deux Etats, les deux Hautes Parties Contractantes se réservent la faculté de nommer chacune 3 Consuls.

Les Consuls de Perse résideront à Athènes, Syra et un autre port de la Grèce, à désigner plus tard.

Les Consuls de Grèce résideront à Téhéran, Tabris et dans un port situé sur le Golfe Persique, à désigner plus tard.

Les Consuls des deux pays jouiront, tant pour leur personne et l'exercice de leurs fonctions que pour leurs maisons, les employés de leurs Consulats et les personnes attachées à leur service, des mêmes honneurs et des mêmes privilèges dont jouissent les Consuls du même rang et les Agents commerciaux des nations les plus favorisées.

En cas de désordres publics, il devra être accordé aux Consuls, sur leur demande, une sauvegarde chargée d'assurer l'inviolabilité du domicile consulaire.

Les Agents Diplomatiques et Consuls de Grèce ne devront pas protéger, ni en secret ni publiquement, aucun sujet Persan qui ne serait pas employé par la Mission Royale, ou par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires de la Grèce.

Il est bien entendu que, si un Consul, Vice-Consul ou Agent Consulaire de la Grèce, en Perse, s'engageait dans des affaires commerciales, il serait soumis en ce qui concerne son commerce, aux mêmes lois et usages que les particuliers de sa nation.

Les Ministres et les Consuls des deux Hautes Parties Contractantes se serviront de tels drogmans et employeront pour le service de leur maison tel huissier et gens qu'ils voudraient, sans distinction de nationalité ; mais s'il arrive qu'un ou plusieurs employés ou gens de service soient d'une conduite déréglée, le Ministre ou le Consul auprès duquel ils se trouvent, doit le congédier à la demande de l'autorité locale compétente, si cet employé ou gens de service relèvent de cette autorité.

IX. Les procès, contestations et disputes qui s'élèveraient, dans l'Empire de Perse, entre sujets Hellènes, ou Hellènes et étrangers, ou, dans le Royaume de Grèce, entre sujets Persans, ou Persans et étrangers, seront jugés selon le mode adopté dans chacun de ces Etats à l'égard des sujets des Puissances les plus favorisées.

Les procès, contestations et disputes qui seraient soulevés, en Perse, entre des sujets Grecs et des sujets Persans, seront portés devant les tribunaux Persans ; mais ces différends et procès ne pourront être discutés et jugés qu'en présence de l'Agent Diplomatique ou Consulaire Hellénique, où, au nom de celui-ci, en présence du Drogman Hellénique, le tout conformément à ce qui se pratique à l'égard des nations les plus favorisées.

Quant aux affaires de la juridiction criminelle, dans lesquelles seraient compris des sujets Grecs en Perse, ou des sujets Persans en Grèce, elles seront instruites et jugées, en Grèce et en Perse, suivant la loi adoptée dans les deux pays envers les étrangers les plus favorisés.

En cas de décès d'un de leurs sujets respectifs sur le territoire de l'un ou de l'autre Etat, sa succession sera remise intégralement à la garde de l'Agent ou du Consul de la nation du sujet décédé, pour que celui-ci en fasse l'usage convenable, conformément aux lois et coutumes de son pays.

X. En cas de guerre de l'une des deux Parties Contractantes avec une autre Puissance, il ne sera porté, pour cette seule cause, atteinte, préjudice ou altération à la bonne intelligence et à l'amitié sincère qui doivent exister à jamais entre les Hautes Cours de Grèce et d'Iran.

XI. Le Traité d'Amitié et de Commerce qui a été conclu en considération de la sincère amitié et confiance qui règnent entre les deux Etats de Grèce et de Perse, sera avec l'aide de Dieu, fidèlement observé et maintenu de part et d'autre pendant 12 ans, à dater du jour de l'échange des ratifications ; et si, 12 mois avant l'expiration de ce terme, l'une ou l'autre des Hautes Parties Contractantes n'avait pas annoncé à l'autre, par une notification officielle, son intention d'en faire cesser les effets, ce Traité demeurera en vigueur une année au delà, et ainsi de suite jusqu'à l'expiration des 12 mois qui suivront une pareille notification, à quelque époque qu'elle ait lieu.

Les Plénipotentiaires des Hautes Parties Contractantes s'engagent à échanger les ratifications de leurs Souverains à Constantinople, dans l'espace de 3 mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs des deux Hautes Parties Contractantes ont signé le présent Traité et y ont apposé leurs sceaux.

Fait en double, en Persan et en Français, le 14 Octobre, 1861

(le 24 du mois Rebi-oul-akhir de l'Hégire, l'année 1278 à Constantinople).

(L.S.) M. RENIERI.

(L.S.) MIRZA HOUSSEIN KHAN.

Les Soussignés, munis de pleins pouvoirs de leurs Gouvernements respectifs à l'effet de négocier et signer un Traité d'Amitié, de Commerce et de Navigation entre les Etats de Grèce et de Perse, entendent, d'un commun accord, sur la portée de l'Alinéa 6 de l'Article VIII du Traité signé en ce jour, que cet alinéa ne peut, en aucune manière, accorder aux Ministres, aux Consuls-Généraux, aux Vice-Consuls ou aux Agents Consulaires de l'une des Hautes Parties Contractantes le droit de protéger, comme étant leurs employés, des sujets de l'autre partie en nombre supérieur à celui que les Traités antérieurs ont accordé à la nation la plus favorisée.

La présente interprétation est signée en double; les Plénipotentiaires la transmettront à leurs Gouvernements respectifs, afin que, par l'échange des ratifications, cette interprétation acquière et possède la même valeur que si elle était insérée dans le texte même du Traité signé en ce jour.

Fait double à Constantinople, le ¼ Octobre, 1861 (24 Rebi-oul-Akhir, 1278).

(L.S.) M. RENIERI.

(L.S.) MIRZA HOUSSEIN KHAN.

MESSAGE of the President of Chile, on the Opening of the National Congress.—Santiago, June 1, 1859.

(Translation.)

FELLOW-CITIZENS OF THE SENATE AND
CHAMBER OF DEPUTIES,

THE fundamental institutions of the Republic and the order based upon them have lately undergone a severe trial, from which, with the aid of God, they have issued triumphant.

For so distinguished a benefit you will doubtless unite with me in rendering the homage of our profound gratitude to divine Providence, who so visibly favours us.

We cultivate with zeal those friendly relations and harmony which we maintain with Foreign nations.

The Treaty of Commerce concluded August 30th, 1855,* with the Argentine Republic has encountered difficulties in the application of some of its stipulations. The Custom-Houses of the Confederation exacted duties upon foreign materials which are employed in the manufacture of our productions, and submitted the latter, although

* Vol. XLIX. Page 1200.

of national origin to a decomposition as difficult to be estimated with accuracy, as it is contrary to the tenour of the Treaty. The Argentine Government has suspended this proceeding during the discussion, and in the meantime the commerce between the two countries has been re-established upon a basis of perfect freedom which does away with all shackles upon their mutual relations.

The question of boundaries with the Republic of Bolivia is still the subject of negotiations, and as a mutual spirit of goodwill inspires them, they will, I trust, be brought to a satisfactory termination for both States.

The Republics of the Equator and New Granada have submitted to the arbitration of my Government various questions of high importance upon which they could not come to an arrangement. Friendly alike to both States, and equally interested in their harmony and good understanding, I have accepted this nomination.

I regret to observe that the differences between Peru and the Equator continue. The common interest of all the Spanish American Republics, that there should be preserved among them those strong bonds of friendship which their common origin, their antecedents, and future destinies, call for, have induced me to authorize the Minister Plenipotentiary of the Republic at Lima to offer his mediation. Those good offices have been accepted.

The reclamations of The United States for the capture, in 1821, of a part of the cargo of the brig *Macedonian*, and for the detention of the *Franklin*, in the bay of Talcahuano, in 1832, have been the subject of Conventions, concluded with the Minister Plenipotentiary of that Republic. The question of the *Macedonian*, the subject of lengthened discussions between both Governments, is submitted to the arbitration of His Majesty the King of the Belgians; and an indemnity has been arranged for the detention of the *Franklin*.

A Treaty of Friendship, Navigation, and Commerce has been concluded between the Republic and His Majesty the King of the Belgians. The object of its stipulations is to extend and confirm the friendly relations which unite the two countries, and I trust that they will merit your approbation.

On the part of His Majesty the Emperor of Austria, negotiations have been initiated for a like Treaty, and I have hastened with pleasure to meet this invitation.

The exact fulfilment of the Treaties with Sardinia, Spain, and France, tends to consolidate and extend our relations with those Powers. With England, the principal source of our commerce, they are animated by the same spirit.

In virtue of the authority granted by the law of November 5th, 1857, a loan of 7,000,000 of dollars, intended for the railways of Valparaiso and the South, has been negotiated in London; the

bonds, bearing interest at $4\frac{1}{2}$ per cent. and one-half per cent. sinking fund, were negotiated at 92. The favourable terms on which this loan has been raised is owing, in a great measure, to the zeal and intelligence of the Commissioner employed to raise it.

The growing prosperity of the Republic, the development of its elements of welfare and riches, have been seriously disturbed during the year which has just expired. Instead of the progressive march which we have followed for some time past with firmness, security, and evident advantages, the animation and encouragement of which have been the constant objects of my administration, appeal has been made both to the exaggerated doctrines of a radicalism incompatible with the present state of the country, or even with that of any society whatever, and to that spirit of resistance to all advancement, which condemns as dangerous every innovation, and every measure which tends to render effective in their practice the Republican institutions which we have adopted.

Those who proclaimed principles of such opposite tendencies could not count upon the support of the country, and they found themselves obliged to seek for it in the evil passions and ignorance of the masses, and unfortunately they found it there. Thus they procured instruments for their designs, and an armed anarchy shewed itself in various parts of the Republic. From Arauco to Atacama almost all the provinces have been the theatre of some of those scenes which are afflicting to patriotism and cannot be contemplated without sorrow.

But the good sense of the country prevailed over those movements, anarchy has been repressed, and legal order completely re-established; this result is due to the efforts of the good citizens who saw their dearest rights and liberty in danger, and to the courage and self-denial with which the public force has fulfilled its high charge of defending the Constitution and the laws.

Yet such exertions have been made to precipitate the country into a state of disorder, that, to do away with all danger, it is necessary to adopt prudent and firm measures to extirpate the seeds of anarchy which have been so widely and incessantly sown throughout all the provinces. In this task, of such vital importance, I especially rely upon the assistance of your talents.

Towards the end of last year I declared some provinces of the Republic under martial law, and the powers which you afterwards conferred upon me by the law of January 20th of this year have greatly contributed towards the re-establishment of tranquillity. An anarchical power which is not restrained in its operations, either by the laws or by private rights, can only be kept under by an authority suitably strengthened in its means of action.

After the ordeal through which the Republic has passed, and

which has in part demoralized the masses, and weakened the respect for the authorities, I consider it indispensable that the Government continue to be invested with those extraordinary powers for some time, and whilst it may be absolutely necessary to ensure tranquillity and order in the interior, in a manner more special and effective than under ordinary circumstances.

The events which I have just spoken of have shewn more clearly the necessity of a properly organized police in the various towns of the Republic. Those of the first class, such as Santiago, Valparaiso, Concepcion, Talca, Copiapó, and Serena, already have this, but not on a scale equal to their requirements. To these and other towns the public revenue contributes for the maintenance of the police, but this assistance is not extended to some other departments which equally feel the want of it. This inequality must continue until it is remedied by a law providing the municipal bodies with sufficient funds.

A scanty revenue is the impediment which obstructs the zeal of these corporations; but they promote the objects for which they were established by the means at their disposal.

I have considered it prudent to postpone for a while the adoption of the decimal metrical system of measures. So important a change in the daily habits of the people, cannot be carried out to advantage, unless the authorities take upon themselves to watch the course of events with attention, and to overcome the difficulties which naturally present themselves. Nevertheless, the law will be carried out as soon as circumstances permit.

The public roads have been carefully attended to as far as possible. No new one of importance has been opened, but care has been taken to maintain the existing ones in good repair. These constant repairs, which augment in proportion as the development of commerce and industry increases the traffic, absorb large sums, and it is necessary now to establish moderate tolls for this purpose.

The Southern railroad will be finished as far as Rancagua in the course of this year, according to the report of the directors. Their funds being exhausted, the Government has aided them, and has taken new shares in the enterprize. Of that part of the loan lately raised in London, and destined by the law for this work, the State has already delivered 1,200,000 dollars.

The want of funds had prevented the continuation from Quillota of the Valparaiso railroad. Now, in possession of part of the loan, the works will soon be commenced under a system uniting celerity with economy. In the meanwhile, the engineers have employed themselves in a new and minute survey of the line, and the result has been a saving of both time and money.

In virtue of the authority granted by the law of September 28th

of last year, arrangements were made to purchase the shares in this railroad which belonged to private individuals who wished to sell them. In conformity with this authority, the following bases were fixed: 1st, to pay at once in bonds of the Bank of Hypothecation, taken at par, 30 per cent. of the value of the shares transferred; 2nd, to pay the rest of the amount in five equal instalments, the first in two years after the transfer, and the rest in four yearly payments; 3rd, to pay an annual interest of 8 per cent. upon the amount due to the sellers. With these acquisitions the State holds 4,376 shares, in that enterprise, only 581 remaining in private possession.

The service of the line to Quillota has been regulated and improved, and the receipts are increasing daily.

The regulations introduced by the General Ordinance for the Post-offices, which I issued with your sanction last year, have afforded promptness and celerity in the service of that department. Not only has the communication between all the towns of the Republic been made more rapid, but this benefit has likewise been extended to many villages which were without direct postal communication before.

The line of steam navigation to the south, has suffered an accidental interruption, but the contractors have informed the Government that it will very soon be re-established.

The telegraphic lines have done good service during the epoch through which the Republic has just passed. They not only contribute to the development of commerce and industry by the facility of communication, but they also render effectual service in maintaining that tranquillity and order which favour the advance of prosperity. It will be of great importance to extend both these lines by degrees to the south and to the north.

The charitable establishments improve throughout the Republic, and I consider it the most agreeable of all my duties to afford them continual aid. The religious institutions which, in Santiago, have taken charge of these establishments, shew a zeal which, while it improves them every day, excites the good feelings of the public to co-operate for the same purpose. Some of these institutions have been extended to the provinces.

From experience acquired in the colonization of the south, fixed rules have been laid down for the duties and functions of the agents, the distribution of the aids to the colonists, the mode, time and security for the repayment, the grants of land, and other matters of interest, for all which the necessary regulations have been issued.

The colony of Llanquihue is beginning to support itself and to increase from its own resources. Without neglecting this colony, I have fixed at Human near Angeles another new locality for colonization, and some immigrants are already established there.

The tribunals of justice, whose duty it is, according to the civil code, to report annually respecting those doubts and difficulties which may have occurred in the interpretation and application of the laws, and also of the wants which they may consider necessary to be supplied, have not as yet presented any observations which call for modifications of importance. Experience is daily confirming the benefits which the Republic reaps from this code.

That part of the code which refers to the registry of titles, has, nevertheless, been in suspense, but some regulations having been drawn up for the Conservator's register, the functionaries appointed who are to take charge of it, and the necessary offices established, Article 697 of the civil code, and the others relative to the registry, have been in force since January 1st, 1859. There were two methods of carrying out the registration: the establishment of a registrar's office in the capital of every province, or, a special one in every department; the first was best calculated for accuracy and legality, and the second afforded more facility for those acts, the importance of which to society at large is not generally known or appreciated. After hearing the opinions of the tribunals of justice, the last of these methods has been adopted, placing the order and regularity of the registry under the immediate inspection of the professional judges (*jueces de letras*).

The project of a penal code will be finished by September next. As soon as it is presented, I will submit it to the examination and revision of the tribunals, and a special commission of jurists.

I shall adopt the same proceeding in regard to the commercial code, which will likewise be finished by the beginning of next year.

The measures lately passed by Congress for the creation of courts with professional judges (*juzgados de letras*) in some of the departments, and for increasing the salaries of the judicial officers, have been carried out; and by these means, two urgent requirements for the good administration of justice have been provided for. By granting a better remuneration to the judges for their arduous duties, by placing them in a more convenient manner in the centres of the population, and by securing their independence and permanence by law, the Republic will have fresh motives for rejoicing in the faithful discharge of this important branch of the Administration.

The public legal Ministry claims your attention. It is only before the tribunals that permanent and well instructed magistrates exercise this function. In the lower courts it is performed by employés of another class, who do not always possess the special knowledge that is necessary.

The division of the duties of the public notaries who have charge of registries, and secretaries who record the proceedings of the judges, has been favourable to the public service in those places

where the plan has at present been adopted ; by degrees it will be extended to others.

The erection of prisons has received aid from the funds you voted for this purpose. The Penitentiary of Santiago has been considerably improved in its regimen and in its workshops.

The Bishop of Ancud has recently visited his diocese, remedying those evils by his zeal, which could not be properly attended to, from the insufficient number of his clergy. A like visit, attended with the same effects, has been made by the Bishop of Concepcion. The archbishopric of Santiago and the bishopric of Serena have recently been visited by their respective prelates.

In each of the bishoprics there are seminaries for the proper education of the ministers of religion ; that of Santiago having been liberally assisted by the public treasury, a preference should now be given to those bishoprics which most feel the want of a proper number of clergymen.

Large sums have been applied to the erection and repairing of the churches, and yet the most urgent of such wants are far from being adequately supplied. For some years past the expenses have fallen entirely upon the public revenue, and unless the piety of the faithful be roused and stimulated by the clergy it will be impossible to satisfy the requirements.

The higher branches of education are extending and improving. Being under the direction of the University, encouraged by Government, and better appreciated by fathers of families, a great number of students now dedicate themselves to professions which, although of much public interest, had hitherto attracted but little attention. The courses of studies which are about to be established in several of those branches will lead them in that direction which is of such vital importance to the country.

To the University a section of fine arts has lately been added, comprising drawing, painting, architecture, and sculpture including statuary.

The National Institute and several provinciallyceums have been extended by the appointment of new professors to impart the preparatory education determined by the regulations.

The progress in primary education is very remarkable. The regimen and methods of instruction of the schools have been improved, more extended ideas are communicated to youth, and their advancement is more rapid and sure ; but yet these results do not entirely satisfy the always increasing wants in this matter. Primary education cannot be properly diffused and regulated, until the law obliges the State to take upon itself the duty of superior inspection, the municipalities the immediate direction, and private individuals the part which they ought to take ; while

all should respectively contribute the funds to form a special and permanent revenue for it. Nothing is more worthy of your consideration. A great part of the evils which afflict society and affect public order, or bring misfortunes upon families and individuals, arises chiefly from ignorance. To root this out by means of a good system of education which shall enlighten the mass of the people, correct their evil propensities, and form good habits, is the most urgently required work that you can undertake. I have already presented to you the result of my own reflections on this subject, and your knowledge will give it that degree of perfection which it requires.

The circumstances through which the Republic has just passed, by paralyzing industry and commerce, have had an unfavourable effect upon the public revenue of last year, and still more so on that of the present. Nevertheless, the proceeds, if applied with prudence and economy, will be sufficient to meet the expenditure, punctually paying the foreign and home debt, without neglecting the other urgent exigences of the service.

The departments which have suffered most are the Customs and the Government monopoly: the first from the paralysation of trade, and the second from the depredations committed upon it by the revolutionists. The sums taken by them from the fiscal offices have been considerable, and particularly from those of the Government monopolies. To re-establish order, and regulate those revenues and also to make the perpetrators of the abuses responsible, the Government has deemed it necessary to adopt various measures. The existing laws contain provisions applicable to such cases, but a special law which shall determine the responsibility of those persons who, under political pretexts, dispose of the public funds and private property, would produce very salutary effects.

A project of reform in the legislation of the Customs, modifying some of the regulations, as suggested by experience, has been drawn up. The particular regulations, which ought to correspond with the general orders, are in course of preparation.

The transit trade with the Argentine Republic is now carried on through the intervention of the Consuls established in Mendoza, Salta, and Vinchina, and the rules drawn up for this purpose have been in operation since the middle of last year. In consequence of this, the Custom-House of the Andes has been abolished; it was the only one in the interior of the Republic. The facilities which this measure affords to this trade, the precautions taken to avoid abuses, and especially the true interpretation of the Articles in the Treaty which exonerate our productions from duties, will extend our commercial relations with the Confederation.

The territorial contribution and the land-tax present difficulties
[1860-61. LL.]

in their collection and recovery. If these two contributions were reduced to one, upon the same bases and payable at the same time, it would free the contributors from many annoyances, and the revenue would be a gainer by the facility with which they could be collected.

The untoward circumstances of the Republic have diminished the issue of the bonds of the Bank of Hypothecation, but their value has not been lessened. Large sums unemployed have been placed in that establishment on account of the security which it offers.

A savings bank for the public employés has been created, and the sums from the national revenue which were granted by the law of June 19, 1858, have been applied thereto. This system will allow Congress to enter upon a prudent course of economy in granting pensions.

I call your attention with pleasure to the conduct of the army during the late political crisis. Its loyalty can only be equalled by its courage, and on repeated occasions it has given honourable proofs of the possession of those military virtues which the Republic looks for in her defenders.

The National Guard has taken part in the fatigues of the army. In the provinces of Arauco, Nuble, Maule, and Aconcagua it has had frequent opportunities of emulating the regular forces.

A part of the police force, particularly that of Santiago which was called into military service, has also contributed effectively towards the pacification of the Republic, rivalling the forces of the line.

All these servants of the State merit its gratitude; some have voluntarily sacrificed their lives, and their widows and orphans deserve to be taken under special protection.

At the middle of last year the army of the Republic consisted of little more than 2,000 men; and in virtue of the authority you granted to me, the strength of the existing corps has been augmented, and three regiments of infantry and some squadrons of cavalry have been raised. A bounty was also given to them, in order that they might the better provide themselves with rations in the continual movement which their duties required.

Almost all the pupils of the military college have been incorporated into the army. This establishment is now continued with a modification in its plan. The section of corporals has been abolished, and in that of the cadets the opening of a course of study has been provided for.

The high price of provisions renders it difficult for the pensioners to procure subsistence; having been incapacitated in the service of the Republic, it is only just that they should receive an augmentation of the allowance which they now enjoy.

The services rendered by the navy have not been less important;

it has co-operated enthusiastically in the military operations, and has given repeated proofs in all its ranks of the good spirit by which it is animated.

The ports of the provinces of Concepcion, Atacama, and Coquimbo, provisionally closed to commerce, whilst in possession of the insurrectionists, were re-opened as soon as order had been restored in those parts.

The navy has been augmented, and now consists of 4 steamers and 4 sailing vessels. Although authorized to part with these last, I considered it prudent to suspend that measure under the existing circumstances of the Republic.

The naval school is now in operation, with the number of students fixed by the regulations. The result of the first steps in this establishment induces me to hope that it will prove a powerful aid to the prosperity and respectability of the Republic.

Fellow-Citizens of the Senate and of the Chamber of Deputies,

The empire of the law, and obedience to the constituted authorities have been re-established throughout the Republic, but before arriving at this, we had the pain of seeing anarchy and disorder spreading their baneful influence over the greater part of the provinces, during 4 months. If we have not been able to avoid this misfortune, let us at least take advantage of the severe lesson which the events that we have witnessed present. Do not let us lose sight of the abyss into which evil passions may precipitate us, nor of the calamities which may befall us by listening to chimerical and exaggerated doctrines, and by allowing with culpable indolence, the evil to increase, because for the time we may imagine ourselves free from it, but which may afterwards involve and hurry us along in its course.

If the past events leave a painful impression of those excesses which we did not believe possible to have taken place, they have also given occasion for a demonstration of patriotism which perhaps could not have been expected to produce such acts of disinterestedness, laudable in the extreme. They have also shown that for the happiness of the country, these noble sentiments have prevailed, now, as formerly, and as we always expect of them. Let us, then, strengthen them, let us unite our efforts to fortify liberty in the feeling of duty and patriotism, and when we have done so, we may rest assured that liberty and order will be united, and that the Republic will advance boldly in the march of progress, without the fear of passing through those ordeals which throw it back, and do so much prejudice to its prosperity and good name.

Santiago, June 1st, 1859.

MANUEL MONTT.

CORRESPONDENCE respecting *British Claims on Mexico; the temporary Withdrawal of the British Mission from the City of Mexico to Jalapa; and the Robbery of Specie belonging to British Bondholders from the House of the British Legation.*—1860, 1861.

No. 1.—*Lord J. Russell to Mr. Mathew.*

(Extract.)

Foreign Office, August 24, 1860.

It might have been anticipated that the Government at Mexico which has always professed a desire to be on friendly terms with Her Majesty's Government, would have endeavoured to cultivate friendly relations, and even for its own sake, if not moved by a regard for international law and comity, would have listened to the disinterested counsels of Her Majesty's Government, and would have respected the persons and property of Her Majesty's unoffending subjects.

Her Majesty's Government have been disappointed in that anticipation; the representations and remonstrances of Her Majesty's Government more especially as regards the imposition of the tax upon capital, are entirely disregarded, and not a month passes but further outrages are committed upon British subjects, and further spoliations are perpetrated upon British property. I do not speak of the sufferings of the Mexicans themselves, or of the atrocities committed by various chieftains upon helpless women and children; such dark deeds affect the character of the whole nation, and must sooner or later bring their own retribution.

Her Majesty's Government have had, however, to consider whether it was fitting that they should continue to hold relations with a Government under which such things are tolerated, and Her Majesty's Government, after anxious consideration, have come to the conclusion that they shall best consult their own dignity, and the rights of British subjects, and perhaps even the interests of the Mexicans themselves, by withdrawing Her Majesty's Legation from the capital of the Republic.

In instructing you to take this step, Her Majesty's Government do not consider it desirable to direct you to proceed to Vera Cruz. Her Majesty's Government are above all things anxious to preserve a strict impartiality between the two contending factions. The Government of Señor Juarez, it is true, has not been so utterly regardless as has been that of General Miramon of the representations of Her Majesty's Government, but that result may be owing in some measure to the fact, that at Vera Cruz a British squadron has been at hand to enforce redress as often as occasion has required, and even with this restraint on their actions, the so-called Con-

stitutional Party is not free, in the persons of some of its leaders from many of the crimes which have sullied this page of Mexican history.

Her Majesty's Government will accordingly, for the present, keep aloof from both parties, and they will not consent to re-open relations with Mexico as a civilized Power, unless they see established either a Government possessed of some chance of stability, or a provisional arrangement which may appear likely to lead to such a result.

I have now to instruct you to address to the Government of General Miramon a note stating that, for the reasons set forth in this despatch, you have been directed to break off relations with that Government, and to retire with the members of your Legation to Jalapa. Her Majesty's Consul will remain for the present at the capital, and you will notify this arrangement to the British community by a circular addressed to the principal members of it.

I have transmitted to the Lords Commissioners of the Admiralty a copy of this instruction, and I have requested that the captains of Her Majesty's cruisers on the coasts of Mexico may be apprized of it.

G. B. Mathew, Esq.

J. RUSSELL.

P.S.—The instruction that you should retire to Jalapa is, of course, subject to your opinion as to whether you can there obtain protection and security for Her Majesty's Mission.

No. 2.—Lord J. Russell to Mr. Mathew.

SIR,

Foreign Office, October 11, 1860.

HER Majesty's Consul at Vera Cruz has reported to me that, in consequence of the authorities of that city not being satisfied with that portion of the Custom-House revenue left at their disposal for carrying on the present civil war, it is their intention to make an application to Her Majesty's Government for permission to suspend for some months the payment of the assignments from the import duties at the Custom-House belonging to the English creditors; and I have to state to you that such a proposition would not for a moment be entertained by Her Majesty's Government, who will hold the authorities at Vera Cruz strictly to their agreement.

You will send an instruction to this effect to Her Majesty's Consul at Vera Cruz.

G. B. Mathew, Esq.

J. RUSSELL.

No. 8.—*Mr. Mathew to Lord J. Russell.*—(*Received October 29.*)
(Extract.) *Mexico, September 28, 1860.*

I REGRET to have to communicate to your Lordship, for the second time within the year, the seizure of the conducts of silver proceeding from Guanajuato and San Luis Potosi to Tampico for embarkation; in which various British subjects had money to the amount of between 80,000*l.* and 100,000*l.* sterling.

This shameful occurrence has been carried out with the subsequent sanction, though not by the previous order, of the Constitutional leader, General Degollado, who assumed its entire responsibility in a published manifesto, of which I have the honour to inclose a copy; and nothing can more clearly pourtray the demoralized state of this Republic than thus to see a man whose personal character stood in the very highest scale among his fellow-countrymen, so blinded to the real nature and to the inevitable disgrace of such an action.

I have, however, reason to believe that the impunity enjoyed by General Marquez, and the non-payment of the amount of his robbery by this Government, were not without influence over Mexican ideas, in colouring over the infamy of this spoliation.

At the request of several of Her Majesty's subjects in this capital, I readily concurred in the very handsome offer of Mr. Consul Glennie to proceed personally with a letter from me to General Degollado at a place called Lagos; and I have much pleasure in inclosing a copy and translation of a communication addressed to me by Señor Emparán, Secretary of Foreign Affairs at Vera Cruz, conveying peremptory orders from Señor Juarez to General Degollado for the restitution of the silver, and the strong expression of his reprobation of the reported act.

I have as yet received no account from Mr. Glennie, but I feel assured that, should his endeavours to obtain at least a partial restitution prove unsuccessful, supported as they are by the Constitutional President's commands, my demands at Vera Cruz, for full compensation and for the destitution and trial of General Degollado, will be complied with.

I feel that it is absolutely necessary, for the security of British residents and property in Mexico, that personal responsibility and the punishment of the offenders should be rigidly enforced.

Lord J. Russell.

G. B. MATHEW.

(*Inclosure 1.*)—*Extract from the "Echos Mexicains."*

LE MANIFESTE DE M. DEGOLLADO.—La "Sociedad" a reproduit les pièces suivantes sur la saisie du convoi d'argent de l'intérieur:

"Les documents qui se trouvent à la suite de cet exposé feront connaître au public un de ces actes dont la révélation seule est un

châtiment terrible pour les hommes qui professent la religion sacrée de l'honneur.

“ Lorsque, du haut de l'échafaud moral que dresse l'opinion pour y immoler un nom, on porte ses regards vers le passé et qu'on y aperçoit une vie obscure mais sans tâche, un dévouement sans réserve à une cause sainte, dégagé de toute affection de famille, du soin de son repos, de ses intérêts et l'amour propre, enfin de tout ce que l'homme a de plus cher—et que, dans un moment par un coup inattendu du sort on se trouve avoir perdu tout cela et rangé au nombre des malfaiteurs,—on souffre alors un supplice plus grand que le martyre : car dans le martyre la main de la gloire soutient l'âme contre les tourments.

“ Les yeux fixés sur la cause que je défends, le cœur rempli d'espérance et de foi, je me relevais après chaque défaite comme une promesse de triomphe ; et mes plaintes ont été toujours un cri de combat et un appel au patriotisme.

“ Tout le monde sent et proclame à grands cris, afin que l'écho de cette voix pénètre dans toutes les consciences, que dans la lutte acharnée qui nous dévore, les impuissances s'équilibrent, que les revers et les triomphes ne sont que des convulsions douloureuses qui brisent et épuisent le corps social sans mettre un terme à ses souffrances.

“ Dans cette lutte qui commence au foyer domestique et éclate sur les champs de bataille, l'incendie consume les campagnes, la pillage anéantit les fortunes, la haine et l'extermination marquent par le nombre de leurs victimes le passage des troupes ; et les passions de parti soulevées entraînent, dans leur démente, la nationalité dans un abîme d'opprobre, par des voies différentes—et cela aux applaudissements d'un grand nombre de personnes qui croient que l'anéantissement de notre existence politique ne serait après tout que l'effacement d'un anachronisme de barbarie dans un siècle de civilisation.

“ D'après la loi inexorable des compensations, chacun des pas, chacun des attentats de nos ennemis a produit une réaction inévitable ; la trahison perçant dans un projet de protectorat, la politique continentale assumant le caractère répréhensible d'une protection, l'alliance des agioteurs avides avec un clergé prostitué, la haine contre les représentants de ces intrigues, l'or du culte employé à faire verser le sang, la justification des attentats contre la propriété. En présence de cette concurrence d'aberrations furieuses et insensées, il était nécessaire de sauver par un acte décisif la cause de la civilisation, de l'indépendance, de l'humanité, et des droits sociaux.

“ La victoire elle-même, qui nous avait été propice, allait être frappé de stérilité, faute de ressources, élément indispensable pour la féconder.

“ La dispersion d’une armée de 20,000 hommes dans des provinces épuisées aurait transformé la guerre en insurrection anarchique et sanglante, détruit la discipline, l’unité d’action, l’autorité de la loi, et plongé le pays dans un chaos de sang, de désespoir et d’extermination ; et ce n’était pas là une crainte factice ; c’était une réalité que nous pouvions constater et qu’allait rendre plus formidable l’immense tentation provoquée par la présence des sommes du convoi.

“ Qui peut tromper sa conscience ? Qui n’a pas réfléchi, dans ses conférences intimes avec Dieu et avec la postérité, sur l’importance d’un acte de cette nature ? J’avais tout donné à ma patrie. Je m’étais imposé la plus stricte parsimonie envers moi et envers les miens et ne gardais qu’un nom pur à léguer à mes enfants, dont quelques uns n’ont pu recevoir les bienfaits de l’éducation ; il m’a fallu renoncer jusqu’à la consolation d’assister aux derniers moments de l’un d’eux. Mais la nécessité est venue frapper à ma porte ; et elle m’a demandé mon nom à sacrifier à notre cause, et moi, après une horrible agonie, j’ai tué mon nom, je me suis fermé l’avenir et je me déclare justiciable de la loi.

“ Dans cette lutte où dans la solitude de mon âme j’ai souffert la torture, je me demandais : n’est-ce donc rien que le nom de la patrie et l’honneur national ? La froide raison m’a répondu et me répète encore que l’honneur national aurait trop à souffrir de la prolongation d’une pareille guerre, que les conséquences en pèseraient sur les nationaux comme sur les étrangers, et qu’avec la perte de l’indépendance tout serait perdu.

“ Un contraste douloureux se présentait aussi à mon esprit dans le souvenir de la conduite de Miramon envers Marquez, et la raison me répondait que ces pervers ont fait des biens de Dieu leur trésor, du clergé leur complice et un opulent banquier, et nous en serions, nous, réduits à ouvrir les veines du peuple pour lui demander son sang, et à nous abstenir du vol pour maintenir sa cause.

“ Livré à ces débats intérieurs, plus implacables que le plus implacable bourreau, je répondais aux réclamations étrangères par l’assurance de faire payer les sommes saisies par le Gouvernement, si la fortune nous était favorable, et, peut-être, à l’époque même où la nouvelle s’en répandrait en Europe.

“ Et entraîné par ces considérations j’ai offert mon nom en sacrifice et j’ai assumé sur moi une responsabilité que la généreuse résolution de M. Doblado de l’accepter toute entière m’aurait permis d’éluder. Par cet acte, dûssé-je être taxé d’ingratitude envers le Gouvernement qui m’a comblé d’honneurs, j’ai évidemment sauvegardé les intérêts de ceux-là même qui m’accuseront d’avoir attenté à leurs propriétés.

“ Je n’ai pas voulu présenter une justification, ni éluder ma destinée, au moyen de subterfuges, ni même m’attirer les sympathies

de ceux qui luttent ; je suis accoutumé à entendre accuser d'obstination funeste mon dévouement à la cause que je sers, et à me voir imputer à crime l'insuccès de mes efforts, à tel point qu'il ne m'a pas été permis de mourir pour mon parti sur le champ de bataille.

“ Mais, si condamné par l'opinion, repoussé par les miens, oublié de tous, je dois être cause que mon parti triomphe et que ma patrie se relève indépendante et heureuse, tous mes désirs auront été satisfaits.

“ SANTOS DEGOLLADO.”

(Confidentielle.)

“ *Guanajuato, le 4 Septembre, 1860.*

“ Je vous envoie deux communications de son Excellence M. le Général-en-chef de l'Armée Fédérale ; l'une qui vous dit de vous placer sous mes ordres, l'autre qui vous charge de prendre le commandement d'un corps de troupes de celles qui se trouvent à San Luis Potosi.

“ En vertu des facultés que me confère la première, j'ordonne à votre Seigneurie de se mettre en marche demain même pour cette ville, et de saisir, conformément aux instructions que je vous ai données verbalement, le convoi d'argent qui de San Luis se dirige sur Tampico, ainsi que celui qui est sorti de Zacatecas avec la même destination.

“ Votre Seigneurie, en opérant la saisie, se guidera d'après le manifeste, ayant soin toutefois d'y comprendre les sommes confiées aux conducteurs et pour lesquelles la formalité du manifeste n'aurait pas été remplie. Votre Seigneurie remettra pour la somme totale un reçu en forme légale aux 3 conducteurs responsables, et leur donnera l'assurance, en mon nom, que j'avertis son Excellence le Général-en-chef, M. Santos Degollado, lequel adressera au Gouvernement Suprême de Vera Cruz les communications nécessaires afin que le remboursement aux 3 propriétaires se fasse le plus promptement possible.

“ Votre Seigneurie leur déclarera également de ma part, afin qu'ils en instruisent leurs commettants, que si j'ai pris cette détermination c'est que j'ai été forcé par les grands intérêts qui sont aujourd'hui en question ; car il ne s'agit de rien moins que d'une question de vie ou de mort pour la République, et que je suis certain du remboursement. Votre Seigneurie à la tête des forces placées sous ses ordres, suivant toutes les précautions conseillées par la prudence, se dirigera par le chemin le plus court sur Lagos, où votre Seigneurie me trouvera et où je lui donnerai d'autres ordres.

“ Votre Seigneurie ne peut manquer de comprendre que cette mission difficile exige une discrétion inviolable et une fermeté à toute épreuve. Votre Seigneurie a prouvé qu'elle possédait ces deux

qualités ; j'espère donc que votre Seigneurie remplira cette mission d'une manière satisfaisante, et saura, par la sûreté de son jugement, faire face à toutes les éventualités imprévues.

" Je prie, &c.

" Dieu et Liberté !

" *A M. le Général Ignacio Echeagaray.*"

" MANUEL DOBLADO.

" *République Mexicaine. Armée Fédérale.*

" *Brigade de Guanajuato.*

" Général-en-chef,

" *Léon, le 10 Septembre, 1860.*

" JE transmets à votre Excellence la copie de l'ordre que j'ai adressé à M. le Général Ignacio Echeagaray, en date du 4 courant, conformément à l'autorisation pleine et entière que votre Excellence a bien voulu donner.

" La saisie des convois d'argent de San Luis, Zacatecas et Guanajuato est, à mon avis, le seul moyen de faire face aux frais énormes qu'exige en ce moment l'entretien de l'armée Fédérale. Je comprends tous les inconvénients, toutes les conséquences d'une détermination aussi grave. Mais je suis profondément convaincu qu'à moins de recourir à des mesures de ce genre, la révolution se prolongera indéfiniment, et le pays tout entier tombera dans un abîme de misère et d'anarchie, entraînant après lui la perte de notre nationalité.

" Dans la situation où se trouve aujourd'hui le parti libéral; nous devons choisir entre les deux extrêmes de ce terrible dilemme : ou perdre 3 années de sacrifices sanglants, et cela lorsque nous en touchons le terme, ou mettre à profit toutes les ressources que nous avons sous la main, quelle qu'en soit la provenance. L'alternative est dure mais impérieuse.

" Il n'y a donc pas de terme moyen possible ; il faut ou laisser se débander les forces nombreuses dont nous disposons en ce moment, ou leur donner des moyens de subsistance, maintenir dans leurs rangs la moralité et la discipline, et les mettre en état de terminer promptement les opérations de la guerre.

" Dans toute l'étendue de la République, la réaction n'a plus que 3 villes en son pouvoir. Un mois de campagne, et nous en serons maîtres. Perdrons-nous une position conquise à force de sang, pour ne pas disposer de sommes d'argent dont le remboursement est l'affaire de quelques jours ?

" J'ai pesé avec le recueillement qu'exige une affaire de cette importance toutes les raisons qui se présentaient pour et contre, et j'ai été conduit à ordonner la saisie des susdits capitaux, profondément convaincu que par là nous sauvons la révolution, et avec elle, la République.

" Si l'on calculait en chiffres les pertes que la prolongation de la

guerre civile doit infliger au pays, on verrait que la somme saisie en cette occasion est peu de chose, comparée aux sacrifices pécuniaires qui seraient imposés aux populations, si par malheur nous voyions durer encore quelques mois une guerre qui détruit, qui anéantit tout.

“ Si malgré les considérations impérieuses que je viens d'indiquer, votre Excellence n'approuvait pas la mesure qui fait l'objet de la présente communication, j'espère que votre Excellence voudra bien me le faire savoir. Je me ferais alors un devoir, comme le plus soumis de vos subordonnés, de révoquer mes ordres et de faire remettre toutes choses en l'état où elles se trouvaient avant la saisie.

“ Je suis également disposé à me soumettre au jugement de votre Excellence pour avoir affronté la responsabilité d'une résolution d'un caractère très grave, il est vrai, mais dont les conséquences seront encore plus grandes en faveur d'une cause qui est la nôtre, parcequ'elle est celle de la nation.

“ Dans le cas où mes actes seraient désapprouvés par votre Excellence, je la prie de ne pas oublier qu'après avoir mis à la disposition de ce quartier-général la totalité des revenus et des impôts extraordinaires de l'Etat de Guanajuato, l'autorisation que votre Excellence me donnait de me procurer des ressources pécuniaires ne pouvait s'appliquer qu'à l'argent du convoi, car il est de notoriété publique que toutes les autres ressources étaient épuisées. Votre Excellence voudra bien également prendre en considération que les besoins de l'armée étaient immenses et incessants, et que, encore une fois, il fallait absolument faire face à des nécessités impérieuses ou abdiquer toute autorité militaire, devenue illusoire dans les circonstances exceptionnelles où nous étions placés.

“ Votre Excellence me permettra en terminant de faire une indication qui ne sera peut-être pas inutile. Dans l'Etat de Guanajuato, la valeur des propriétés du clergé déclarées biens nationaux, en vertu des lois publiées dernièrement, dépasse la somme de 3,000,000. Ces propriétés constituent, à mes yeux, une garantie sérieuse pour les propriétaires des fonds saisis, dont elles assurent le prompt et parfait remboursement. Je crois aussi que tous les habitants des Guanajuato verront avec plaisir employer ces capitaux au remboursement de l'argent saisi; car tout le monde comprend qu'il n'importe pas moins que la pacification générale, objet des aspirations de tous les Mexicains.

“ Je prie, &c.

“ Dieu et Liberté!

“ MANUEL DOBLADO.

“ *A S.E. le Général-en-chef le l'Armée-Fédérale,*

“ *M. Santos Degollado Guanajuato.*”

"Excellence, " *Quartier-Général à Léon, le 12 Septembre, 1860.*

"J'AI pris connaissance de la note de votre Excellence en date d'hier, à laquelle était jointe la copie de l'ordre que votre Excellence a donné, le 4 courant, à M. le Général Ignacio Echeagaray de s'emparer des fonds du convoi de Guanajuato, Zacatecas, et San Luis Potosi, à destination du port de Tampico. J'approuve la conduite de votre Excellence, j'en assume toute la responsabilité, et j'exonère votre Excellence de celle qui pouvait résulter pour votre Excellence d'un acte aussi grave qu'exceptionnel.

"D'ailleurs votre Excellence pouvait se croire autorisée à prendre cette mesure, attendu les pouvoirs illimités que je lui avais délégués; et comme votre Excellence m'en a instruit assez tôt pour me permettre d'expédier l'ordre de rendre les sommes saisies, de manière à empêcher tout dommage, il est évident, d'après ces faits, que votre Excellence est dès ce moment à l'abri de tout reproche, et que c'est moi seul que le Gouvernement Suprême Constitutionnel aura le droit de blâmer et de mettre en accusation.

"En présence de l'indépendance nationale menacée d'une invasion Espagnole, de l'état désolé du pays et de sa ruine inévitable, des torrents de sang où la révolution est violemment entraînée; en présence des considérations que votre Excellence appuie sur des raisons puissantes et d'une logique irrésistible, et enfin de la nécessité absolue, impérieuse, que nous avons de terminer tous ces maux par une paix solide et durable, un Mexicain, une âme noblement dévouée à la patrie, comme l'est, je crois, la mienne, ne saurait hésiter.

"Je donne à votre Excellence l'assurance que je m'efforcerai, dans toute l'étendue des pouvoirs que j'ai reçus du Gouvernement Suprême, de satisfaire et de contenter les propriétaires des fonds saisis, de manière à éviter un conflit international. Si, dans le règlement amiable de cette affaire, il faut une victime pour apaiser la juste irritation des capitalistes, je suis prêt à descendre du faite du pouvoir militaire, à me dépouiller du Commandement-en-chef d'une armée puissante et victorieuse, pour m'asseoir sur le banc des accusés et subir le sort des criminels. La postérité me rendra justice et recueillera le fruit de mon grand sacrifice.

"Je réitère, &c.

"Dieu et liberté!

"A S.E. M. le Général Manuel Doblado, "SANTOS DEGOLLADO.

"Commandant-en-chef le Corps d'Armée du Centre."

(Inclosure 2.)—*Señor Emparan to Mr. Mathew.*

(Translation.)

Vera Cruz, September 18, 1860.

THE Undersigned, with the consent of his Excellency the Constitutional President, has the honour to ask a favour of Mr. Mathew being induced to do so by the recollection of the interest which that gentleman takes in the security of commerce.

By a special messenger, who arrived to-day from Mexico, the President has learnt, with the greatest displeasure, of the seizure or detention of a "conducta" which was on its road from Guanajuato to Tampico, by the troops of the Constitutional Government.

Though his Excellency still trusts that the news may be either false or exaggerated (for he believes that nothing but the want of resources felt by the troops in the interior, and the desire of bringing the civil war at once to a close, could have sanctioned the commission of so unjustifiable an act), yet he has been pleased to adopt the measures which are contained in the accompanying despatch, addressed by the Constitutional Government, directly they heard of what had taken place, to the Commander-in-chief of their forces, General Degollado, and which can be perused by Mr. Mathew.

The favour, then, which his Excellency the President asks of Mr. Mathew is, that he will, if he thinks fit to do so, be pleased to forward the despatch in question to its destination with that security and dispatch which are out of the reach of his Excellency's Government.

The Undersigned begs Mr. Mathew will be so good as to excuse the liberty he has taken, and has the honour, &c.

G. B. Mathew, Esq.

JOSE DE EMPARAN.

No. 4.—Mr. Mathew to Lord J. Russell.—(Received October 29.)

MY LORD,

Mexico, September 29, 1860.

SINCE closing my despatches, I have received a communication from Mr. Consul Glennie (copy inclosed), and am happy to state that the rapid steps I had taken and the energetic efforts of Mr. Glennie have so far been successful, that General Degollado has pledged himself to hand over to him in San Luis the sum of 400,000 dollars, being about the presumed amount of British property in the "conducta."

I cannot but regret sincerely that Mr. Glennie was unable to induce General Degollado to extend the same act of justice to other foreigners, and that his concession bears a personal aspect, for some jealousy must result from it.

Yet I cannot deny to Her Majesty's subjects the right of recovering their property because others have not the same good fortune.

This repayment, if I apprehend it rightly, is made by General Degollado from the share of the plunder reserved by him for his own troops, which strengthens my opinion that he was persuaded by others to commit the discreditable action he did.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—Consul Glennie to Mr. Mathew.

SIR,

Lagos, September 28, 1860.

I HAVE the honour to inform you that immediately after my arrival at this city yesterday afternoon, I waited upon Don Santos Degollado, to whom I delivered your note, which he read with earnest attention. I then entered upon the subject of my mission, and finding that there was not the remotest chance of my obtaining any advantage for the owners generally of the funds placed in the "conducta," I fell back upon my official representation of the interests of Her Majesty's subjects therein, and demanded that their portion at least should be placed at my disposal.

Señor Degollado then entered upon a somewhat lengthy exposition of what he intended doing in the event of the success of his Guadalajara campaign; how all the money would be instantly returned, &c. But I informed his Excellency that it was utterly impossible for me to return to Mexico with bare promises, dependent upon a battle that might possibly result in his defeat: that the object of my mission was to obtain the final resolution of his Excellency with regard to the funds of Her Majesty's subjects in his possession, and that it was absolutely necessary that that resolution should be made known to Her Majesty's Representative before the departure of the packet.

Señor Degollado then told me he would let me know his resolution by 8 o'clock this morning. I accordingly waited upon his Excellency at the appointed time, and have now the honour to inclose herewith the answer he returns to your note, which he read to me, and by which you will learn that he will leave Lagos tomorrow for San Luis Potosi, with about 850,000 dollars, being the amount he still retains in his possession; that of that sum, he holds at my disposal 400,000 dollars, which he has solemnly promised to deliver to me at San Luis Potosi, where he also hopes to make a further considerable delivery of funds for account of other remittances, whose interests I shall make it my duty to advance whenever an opportunity may offer.

I demanded the round sum of 400,000 dollars, as the amount of British funds in the "conducta," because from the information which I had been able to obtain, it appears to me that the above sum will cover the amount of *bond fide* British property in the

same, and I have engaged on my part to use my best endeavours to check any attempt that may be made to pass off any other funds as British property.

I have no time to enter into further particulars, as Mr. Buchanan, who will be the bearer of this letter, must start immediately for Guanajuato, to secure the means of proceeding without loss of time to Mexico.

I have, &c.

G. B. Mathew, Esq.

F. GLENNIE.

(Inclosure 2.)—Señor Degollado to Mr. Mathew.

MY DEAR SIR, (Translation.) Lagos, September 23, 1860.

I OFFER you my best thanks for your kind letter of the 16th instant, and assure you that I acknowledge and share in the sympathy you have shown for the Liberal party in Mexico. I have entered into a compromise with Mr. Glennie to deliver over to him in San Luis Potosi 400,000 dollars, a sum, according to his calculation, which will cover the funds belonging to British commerce. I presume Mr. Glennie will write to you and explain this arrangement, since he proceeds to San Luis, where it is my intention to establish my head-quarters.

As it would be a serious matter if this arrangement were known, as the prestige and moral force which I have gained by the possession of so large a sum would in such a case be lost, I beg you to keep it perfectly secret for some time.

Mr. Buchanan, the bearer of this letter, will in my name explain to you certain matters of interest.

I have, &c.

G. B. Mathew, Esq.

S. DEGOLLADO.

No. 5.—Lord J. Russell to Mr. Mathew.

(Extract.)

Foreign Office, October 31, 1860.

I APPROVE of your prompt interference on the occasion of the plunder by Señor Degollado of a valuable convoy of specie on its way to the coast; and I trust that Señor Degollado will act up to his engagement at once to restore the money belonging to British subjects, and to relieve Captain Aldham from the necessity of requiring, in obedience to the instructions which he will receive from the Board of Admiralty, redress from the authorities at Vera Cruz for the wrong done to British subjects, and enforcing his demand if that redress is not promptly given.

G. B. Mathew, Esq.

J. RUSSELL.

No. 6.—Lord J. Russell to Mr. Mathew.

SIR,

Foreign Office, October 31, 1860.

I HAVE to acquaint you that Her Majesty's Government approve your refusal to recognize General Miramon as President of the

Mexican Republic. This course is entirely consistent with the views expressed in my despatch of the 24th of August.

M. Murphy called upon me this morning, apparently with the hope of inducing me to authorize you to recognize General Miramon, by pointing out to me that unless you did so, that Government would not hold any communication with you.

I told M. Murphy that you had acted in strict accordance with the wishes of Her Majesty's Government, and that you would certainly not receive any directions to depart from the line of conduct which you had assumed towards the Government of General Miramon.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 7.—Mr. Mathew to Lord J. Russell — (Received December 11.)
(Extract.) *Jalapa, October 29, 1860.*

I HAVE the honour to report to your Lordship my withdrawal from Mexico, in pursuance of your Lordship's commands, and my arrival at Jalapa.

On the 17th of October I addressed to Señor Lares, as instructed, a note embodying strictly from your Lordship's despatch the reasons which had compelled Her Majesty's Government to direct the withdrawal of the Legation, and adding solely the expression of my readiness to further at Jalapa, as in Mexico, any arrangement tending to the restoration of peace.

Lord J. Russell.

GEORGE B. MATHEW.

No. 8.—Lord J. Russell to Mr. Mathew.
(Extract.) *Foreign Office, December 29, 1860.*

HER Majesty's Government approve of your having broken off your official intercourse with the Government of General Miramon, and of your having left the capital, where it was no longer possible for you to remain, consistently with the dignity of this country.

It appears, however, although I have as yet no official report from you on the subject, that shortly after your departure the Mexican Government had recourse to a crowning act of violence and indignity, by breaking open a room in the house which you had occupied in Mexico, and in which was deposited, under the official seal of Her Majesty's Mission, a sum of 1,000,000 dollars, the property of the British bondholders, whose agent had reasonably supposed that, at all events, such a place would have been secure from any act of spoliation on the part of the Government authorities.

In the absence of any report from you on this subject, or of any distinct account of the extent to which the money was pillaged, I am unable to say more on the present occasion, than that Her Majesty's Government will expect to receive ample reparation from

the Government of General Miramon, if it should remain in power, for so flagrant an act of robbery; and that if General Miramon's Government should be overthrown, Her Majesty's Government will feel themselves entitled to hold whatever Government may succeed it responsible for making good the losses sustained by British subjects in consequence of an outrage of so unusual a character committed by the *de facto* Government of the country.

G. B. Mathew, Esq.

J. RUSSELL.

No. 9.—Mr. Mathew to Lord J. Russell.—(Rec. January 1, 1861.)

MY LORD,

Jalapa, November 29, 1860.

THE gradual progress of national demoralization and ruin, so greatly hastened by the last civil war organized by the Church party in this unfortunate country, inflicts upon me the painful duty of bringing to your Lordship's knowledge, by each successive mail, some more flagrant case of outrage upon life or property.

This utter disregard of individual rights, of justice, and of the international laws respected by the least civilized nations, appears to have now reached a climax, and to call imperatively for repression.

The inclosed copy of a despatch addressed to me by Mr. Robert Glennie, Her Majesty's Acting Consul in Mexico, will inform your Lordship in detail of the gross outrage committed by the orders of General Miramon and his Ministers, in entering by force the residence lately occupied by Her Majesty's Legation in that capital, and still, at the time, under lease to me, and seizing and carrying off from it 660,000 dollars, the property of the English bondholders, which I had placed (at the request of their agent) under the security of my official seal, and of a written declaration of the property, affixed upon the door of the room in that house.

Your Lordship will find from Mr. Glennie's statement, that the Spanish Ambassador was present, and protested against this monstrous act of violence, which was committed with every concomitant circumstance of scandal and insult, having in vain previously endeavoured personally to dissuade General Miramon from its committal.

I have the honour to inclose to your Lordship, copies of Señor Pacheco's letter to me, of his protest to Señor Lares (with translations), and of my reply, as well as of the communication addressed by M. Wagner, the Prussian Minister, to the same functionary.

The circumstantial nature of Mr. Glennie's statement renders it unnecessary for me to do more than state the facts.

[1860-61.]

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sideration to my reply to it, which will, I trust, meet your Lordship's approbation.

Since the fall of Guadalupe, General Miramon is in daily expectation of seeing the Constitutional forces before the gates of the city, and he doubtless determined to seize this money either for the maintenance of his army within the town, or for the personal wants of his Ministers and himself, in the event of their flight from the country; but I cannot but entertain the hope that Her Majesty's Government will insist on their future punishment wherever they can be reached, for it is evident, in the disorganised condition of Mexico, that a personal responsibility is imperative for the protection of Her Majesty's subjects among leaders who, on both sides, are wholly reckless of the penalties they may bring upon their country, if they are personally safe.

I apprehend that General Miramon, his chief advisers, Messrs. Dias and Lares, and the infamous General Marquez, the assassin in cold blood of the unfortunate Dr. Duval, of Mr. Chase, and of every foreigner he has had in his power, are answerable for the present deed, which has furnished me with ample, but most unwelcome, corroboration of the opinion it has been my duty to lay before your Lordship, of General Miramon and the members of his Government.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—*Acting Consul Glennie to Mr. Mathew.*

SIR,

Mexico, November 21, 1860.

ON the morning of the 18th instant I dispatched an express to you, communicating in a private letter the seizure of the funds of the English bondholders by the Government of General Miramon, in the afternoon of the 17th; and I now propose to report to you the particulars of this unprecedented outrage and robbery.

About 4 o'clock P.M. of the 16th instant, I was called upon by Mr. Eustace Morphy, a clerk in the house of Messrs. J. J. Schmidt and Co., No. 11, Capuchinas-street, formerly the residence of Her Majesty's Legation, and requested to repair to that house immediately. Don Rafael Beraza, who was with me in Her Majesty's Consulate at the time, accompanied me thither. On arriving at No. 11, I was informed by Mr. William Davidson, salesman, and Mr. Charles Hoffmann, cashier, both clerks in said house of Messrs. J. J. Schmidt and Co., that General Lagarde, chief of the police, had presented himself there with an order, copy and translation of which are herewith inclosed, to search the warehouses for a deposit of arms said to exist therein. General Lagarde went through the warehouses, looked at the goods in a superficial manner, but opened no bales. At the lower end of the warehouse

on the left-hand side of the courtyard, General Lagarde's attention seemed to be drawn to a closed door, on which is painted in large letters, "Legacion de S. M. B.;" there was a padlock on the door, and attached to the padlock by red tape, a piece of parchment bearing the seal of Her Majesty's Legation, and the signature, "George B. Mathew." General Lagarde examined the padlock and door closely; after which he placed an officer, Comandante Chavez, in said warehouse, giving him strict orders not to allow any one to approach that door, nor to approach it himself. Thereupon General Lagarde, having stated to Messrs. Davidson and Hoffmann that he was going to report the result of his search, retired, saying that he would return. This was the state of affairs when I arrived at No. 11.

A short time after, General Lagarde returned, but passed by No. 11, and proceeded to No. 10, where he searched the warehouses, and, I am informed, opened two bales.

On again presenting himself at No. 11, General Lagarde showed to Don Rafael Beraza and to me the order he had received to search for arms in the two houses Nos. 10 and 11, which order was signed by General Marquez. He then immediately proceeded to examine the wall that divides the inner part of the aforesaid closed room belonging to Her Majesty's Legation, from the room occupied by the porter of the Legation; and having done so, he placed another man in the lower part of the courtyard, in a position to observe the wall above mentioned, with strict orders not to permit any one to touch that wall.

I asked General Lagarde to let me take a copy of his order to search the house; he replied that he could not comply with my request before consulting (without mentioning with whom). I further asked him to remove the officer he had placed inside the warehouse, as the day was declining, and the usual time for closing the warehouses was approaching. He answered that he would go to the palace to consult, and would return, whereupon he again retired.

An hour and a half elapsed before General Lagarde returned, when he explained the cause of his delay by stating, that not having been able to find General Marquez, although he had looked for him in 8 or 9 different places, he at last went to the Minister for instructions, which he had received to the following effect, that is to say, that I might have a copy of General Marquez's order to search the warehouse; that the officer placed inside the warehouse to watch the closed doors was to be stationed outside the door which opens from the courtyard into said warehouse; that another officer was to be stationed in the lower part of the courtyard to watch the wall which divides the lower part to above, was to remain at his post.

It will not be out of place to mention here that whilst I was waiting at No. 11 for the return of General Lagarde, General Marquez himself walked up the street, passing by the door of the house.

Whilst Mr. Hoffmann was copying General Marquez's order to search the warehouses, I observed to General Lagarde that since he had complied with the order given him to search for the deposit of arms, and had not found any, he ought to be satisfied that none existed, and what could therefore be his object in taking possession of the house and leaving his men on watch in the courtyard? He replied that he was acting under superior orders. He showed me the note he had written to General Marquez, detailing the result of his investigations; the principal thing that fixed my attention, on reading the note was the discovery of a closed door at the end of one of the warehouses. This note, he said, he had not delivered, as he had not been able to find General Marquez, adding that he was in the habit of demanding written orders from his superiors, and replying to them in writing, in order to cover his own responsibility. Having seen that his two guards were at their posts, and having asked permission for their suppers to be brought in to them, he retired.

About mid-day of the 17th instant I was sent for by Mr. Charles Whitehead, Agent of the English bondholders, who resides in the upper part of No. 11, Capuchinas-street, and on my arrival there he showed me an order he had received from General Marquez to deliver at once 200,000 dollars of the bondholders' funds to the Commissary-General, Don Francisco Montero, the bearer of the order, copy and translation of which I have the honour to inclose.

Mr. Whitehead and I, accompanied by Don Rafael Beraza, went immediately to call upon his Excellency the Spanish Ambassador, who offered, as head of the Diplomatic corps, to use his influence to protect British interests, by presenting himself at No. 11, in the event of force being resorted to in the extraction of the funds, and to protest against any violent proceedings of the Mexican Government.

At half-past 3 in the afternoon of the same day I was again sent for by Mr. Charles Whitehead, in consequence of his having received a fresh communication from General Marquez, which was handed to him by Colonel Don Antonio Jauregui.

On my arrival Mr. Whitehead presented Colonel Jauregui to me, as the Agent of the Government, and he, in his turn, presented to us the Notary Public, Don Simon Negreiros, and the corresponding witnesses, stating that they attended by order of Government to witness the proceedings and receive the declarations. On my inquiring the object of the visit, Colonel Jauregui referred

me to Mr. Whitehead, with whom he had already spoken. Mr. Whitehead then stated that, notwithstanding his verbal and written answer to General Marquez's first note, copy and translation of which answer is enclosed herewith, the Government of General Miramon had determined, if he refused to deliver up the money of the English bondholders, to resort to force and take the same. Mr. Whitehead, at the same time, handed to me the order to this effect, which General Marquez had sent to him through Colonel Jauregui, copy and translation of which I also have the honour to inclose.

On hearing this, and after reading General Marquez's order, I, as Her Majesty's Acting Consul, immediately protested, in the most formal and solemn manner, in the name of Her Majesty's Government, against the proceedings of the Mexican authorities, explaining to all present the immense responsibility which would attach to any one who attempted to take forcible possession of a deposit which was covered by the seal of Her Majesty's Legation, and declaring that Her Majesty's Government would hold personally answerable all who should take part in such an outrage, from the highest, even to the President himself, to the very lowest subordinate, including those who signed the orders, as well as those who might attempt to enforce them.

Mr. Whitehead thereupon declared that he, as the Agent of the bondholders, repented and ratified the protest I had delivered.

The above took place in the centre of the courtyard of the house. Colonel Jauregui having stated the protest might be received by the Notary Public, we entered Messrs. J. J. Schmidt and Co.'s office, when the said protest was drawn up and signed by Mr. Whitehead and myself; and I inclose herewith a copy and translation of the same.

Whilst this was passing, and having repeated our positive refusal to comply in any way with General Marquez's order, Colonel Jauregui sent for a picket of soldiers, and Mr. Whitehead sent a request by Don Rafael Beraza, to his Excellency the Spanish Ambassador, begging that he would comply with his previous kind offer, by coming at once to the house.

At a quarter to 4 P.M. the lower part of the house, which had already been in possession of the police agents, under a pretext of searching for arms, since 4 P.M. of the previous day, was taken forcible possession of by an armed force.

At 10 minutes after 4, his Excellency the Spanish Ambassador came, and in the name of his own Government, and as chief of the Diplomatic Corps, after in vain using his good offices with the Government to persuade them against their contemplated outrage, and explaining to the officer in command the vast amount of respon-

sibility which he and his Government were incurring by such an act, protested publicly against any attempt to violate the seal of Her Britannic Majesty's Legation. Pointing to the soldiers drawn up in the yard, his Excellency further said that he had no means of opposing an armed force, and that having protested as he had, he left the authorities to act on their own responsibility.

On leaving the house his Excellency also promised that he would address a note on the subject to Señor Lares, the Minister for Foreign Affairs.

At half-past 4, 3 blacksmiths were brought to force the door, when I stood before it, and after explaining that the room was under the special protection of Her Majesty's Legation, was sacred, and that any person who dared to violate that sanctity, from the highest to the lowest, would be held responsible, pointing out to them, that although they might not break the seal itself in opening the door, the outrage would be the same, and it would be equally a violation of all law to effect a forcible entry in any manner; I again protested in the most formal and energetic manner, in the name of Her Majesty's Government.

Upon hearing this protest the workmen at first refused to execute Colonel Jauregui's orders, and were only compelled to commence their work of cutting off the padlock by a serjeant being brought up to their side.

At a quarter to 5 P.M. the padlock, with the Legation seal attached to it, was forced off; the staples which held it to the door having been cut through with cold chisels, when the door was left protected merely by the ordinary lock. Colonel Jauregui presented the padlock to Mr. Whitehead, but he declined touching it, and turned his head without making any observation. A carpenter was then brought in, and on my warning him of the responsibility he would incur by participating in this act of violence, the serjeant ordered him to proceed at once and break open the door, which he effected by cutting away, first a piece of the jamb, and afterwards, part of the inner side wall, as the bolt of the lock, a patent Chubb's, could not be forced back. It was 5 o'clock when the door was finally forced open, and the officers of General Miramon's Government took possession of the room, and the money therein contained.

Colonel Jauregui addressed Don Rafael Beraza first, and afterwards me, requesting each individually to remain and take an account of the money about to be extracted. I told him that having witnessed the unpardonable outrage that had been perpetrated against Her Majesty's Government, and he having already taken forcible possession of the room, my presence there was no longer necessary. Whereupon I left the house, accompanied by most of the people who had been present, amongst whom were

several of the principal British residents, The United States' Consul, Mr. Black, who had been requested to come, and various persons of other foreign nations. In the street in front of the house a crowd had collected during the afternoon.

On the morning of the 19th instant, I received a letter from Messrs. J. J. Schmidt and Co., copy of which I have also the honour to inclose, requesting me to repair to their commercial house, No. 11, Capuchinas-street. On arriving there, Mr. Benjamin Barton, the resident partner of the firm J. J. Schmidt, and Co., delivered to me the key of the warehouse through which the money seized by General Marquez's order of the previous 17th instant had been conveyed from the room in which it had been deposited in the courtyard, and requested me to open the said warehouse, which was immediately done, when I entered, accompanied by Mr. Benjamin Barton, Mr. Hoffmann and Mr. Davidson, his clerks, and some others.

On examining the room that had been forcibly taken possession of on the 17th instant, I found that 9 boxes, which had contained altogether 500,000 dollars, as attested by Mr. Hoffmann; the cashier, had been forcibly broken open and the money taken away, as also the sum of 160,000 dollars, which had been piled in bags on the floor in the middle of the room, making a total of 660,000 dollars, which agrees with the amount taken by Colonel Jauregui, according to his note to Mr. Whitehead, copy and translation of which I have the honour to inclose herewith.

The padlock referred to above was found, with the Legation seal attached to it, in the same state in which I saw it, and in the same place in which Colonel Jauregui left it on the afternoon of the 17th instant, after he received it from the blacksmiths who broke it off. I brought away the padlock, and have deposited it in Her Majesty's Consulate.

I find in the official journal of the 20th instant that Colonel Don Antonio Jauregui is one of General Miramon's Aides-de-camp.

The foregoing is, I declare, a correct and true statement of the details of this unprecedented outrage committed against Her Majesty's Government.

I have, &c.

G. B. Mathew, Esq.

R. GLENNIE.

(Inclosure 2.)—General Marquez to General Lagarde.

Head-Quarters in the National Palace,

(Translation.)

Mexico, November 16, 1860.

HIS Excellency the General-in-chief of the army has notice, that in the houses Nos. 10 and 11, Calle de Capuchinas, a deposit of

arms exists ; and therefore his Excellency directs that you immediately proceed to search the stores of the said houses, ordering the cases you may judge fit to be opened, and performing all other necessary acts to assure yourself of the truth.

His Excellency recommends to you the greatest moderation ; as also to observe towards the persons who may be there all the consideration they may deserve.

If you should find any door or object protected ("cubierto") with the arms of another nation, you will respect it, and in no way proceed to touch it, only watching that no one does so, and giving immediate notice to his Excellency the General-in-chief, in order that his Excellency may resolve what he may deem proper.

God and law.

General Lagarde.

L. MARQUEZ.

(*Incolosure 3.*)—*General Marquez to Mr. Whitehead.*
(Translation.) *Head-Quarters in Mexico, November 17, 1860.*

As the moneys belonging to the public funds which are in your custody, destined to the payment of the bondholders of the foreign debt contracted in London, are not yet delivered in definite payment, and in the actual circumstances may run much risk, in common with the other valuable property in the capital, in case of a disturbance of the public tranquillity, which risk is imminent unless the forces that preserve order in this city are provided with their pay, and as this cannot be done opportunely with the disposable funds, because their collection is slow, his Excellency the General-in-chief of said forces, in compliance with his duty, and in order to save his responsibility in respect to that valuable property has directed that you place the said sums at the disposal of the Commissariat of the army ; with the understanding that only the amounts absolutely necessary shall be removed from the chests in which they may be found, and that, in order to restore them, that office will cause to be placed at your disposal the sums that may be collected from the loan conceded by the venerable clergy and private persons for the purpose of providing the pay of this garrison, and that should there be any deficiency on the departure of the first "conducta," it will be covered by the duties produced by the sums which may be exported by it.

This day you will please to deliver the sum of 200,000 dollars, for which the Commissary-General will give you a receipt.

God and law.

C. Whitehead, Esq.

L. MARQUEZ.

(*Inclosure 4.*)—*Mr. Whitehead to General Marquez.*

EXCELLENCY, (Translation.) *Mexico, November 17, 1860.*

IN reply to the official communication which I have had the honour to receive by the hands of the Commissary of the army, I have to state that the money received here for account of the exterior debt contracted in London has been placed in custody of the Legation of Her Britannic Majesty, in compliance with the order received by me from the Committee in London, for the purpose of remitting it as soon as circumstances permitted; and Mr. Mathew, before leaving for Jalapa, affixed his seal and signature to the door of the room where the funds were deposited, retaining the keys.

Consequently, notwithstanding the pressing circumstances to which your Excellency very justly alludes, I am not able to dispose of these funds without the consent of the British Minister, nor without receiving the keys, and his permission to break the seal of the Legation.

This is the reply which I had the honour to give verbally to the Commissary to save time, and by his desire, when I pointed out the impossibility in which I found myself of delivering the 200,000 dollars; and I am sure your Excellency will be convinced that it is not from any want of respect to the Supreme Government that I have not been able to comply with their order, but that the power does not reside in me to do so.

In reference to an observation which your Excellency has been pleased to make, it will not be superfluous to say that, although the funds are not distributed as a dividend, they are already legally delivered over to the dominion of the bondholders, and even though they were not deposited in the hands of the English Legation, it would not be in my power to dispose of them except for the purposes of shipment; in proof of which, and in case your Excellency should not have the law of the 23rd of January, 1857,* at hand, I take the liberty of inclosing a copy, wherein you will find it clearly laid down in the first three Articles.

I have, &c.

General Marquez.

CHARLES WHITEHEAD,

Commissioner of the Bondholders of the Exterior Debt.

(*Inclosure 5.*)—*General Marquez to Mr. Whitehead.*

(Translation.) *Head-Quarters in Mexico, November 17, 1860.*

INFORMED of the verbal reply which, through the medium of the Commissary-General of the Army and Navy, you gave this morning to my communication of the same date, with reference to the supreme orders of his Excellency the General-in-chief of the national army, issued with a view to save the interests which you

hold deposited for the payment of the bondholders of the English debt; and it not being possible to await longer the written reply which, on the same subject, you offered to remit, and which must be made in the same sense; Colonel Don Antonio Jauregui proceeds immediately to that store to execute the orders of his Excellency the General-in-chief. Which I notify to you for your information.

God and law.

C. Whitehead, Esq..

L. MARQUEZ.

(Translation.) (Inclosure 6.)—*Protest.*

IN the city of Mexico, on the 17th day of the month of November, 1860, the General, Colonel Don Antonio Jauregui, associated with me the Notary, and the witnesses Don José Silva and Don Juan Chavez, proceeded to the house No. 11, Calle de Capuchinas, and there being present Mr. Charles Whitehead, agent of the bondholders of the foreign debt in London, Señor Jauregui delivered to him an order that he should deliver up the funds which are in his charge, and immediately transport them to the General Commissariat, in character of deposit for greater security.

Mr. Whitehead answered that the funds he held in his charge were placed under the custody of Her Britannic Majesty's Chargé d'Affaires, and, therefore, on delivering the key to Her Majesty's Representative, the latter retained the key and affixed the seal; that he can therefore deliver nothing, and protests, for the reasons which he has this day addressed in writing to the Quartermaster-General; it being understood that the protest is directed not only to the Supreme Government, but to all persons from his Excellency the President to the lowest individual, who as agents or assistants may intervene in this affair.

At this stage, Mr. Robert Glennie presented himself and declared that he is Her Britannic Majesty's Acting Consul, and being informed of what is about to be done, declares that the funds which are in a room of this store are under the protection and shelter of Her Britannic Majesty's Legation; that, therefore, he opposes any abstraction, or other measure, and will hold responsible his Excellency the President, and all other persons who may aid in the execution of any act of violence, including in this responsibility those functionaries who may have given the orders.

And signed in my presence.

I certify.

A. M. JAUREGUI.
ROBERT GLENNIE.
C. WHITEHEAD.

JUAN CHAVEZ.
JOSE M. SILVA.
SIMON NEGREIROS.

(Inclosure 7.)—*Messrs. Schmidt & Co. to Acting Consul Glennie.*

DEAR SIR,

Mexico, November 19, 1860.

WE wish, now that the armed force has been retired from our house, to open the doors of our stores and offices, which we wish done in the presence of Her Majesty's Acting Consul, so that he may personally take note of the state the same is found in, and receive on the premises our most formal protest for the injury to and damage caused not only to our business, but also to our premises.

We are, &c.

E. Glennie, Esq.

J. J. SCHMIDT & CO.

(Inclosure 8.)—*Colonel Jauregui to Mr. Whitehead.*

(Translation.)

Mexico, November 17, 1860.

HAVING examined the actual amount found in the deposit ordered to be taken possession of by his Excellency the Quarter-master-General, there appear 660,000 dollars.

Please to inform me if the sum which ought to be there is this, or larger, that I may inform his Excellency of the result of my commission.

God and Law.

C. Whitehead, Esq.

A. M. JAUREGUI.

(Inclosure 9.)—*Señor Pacheco to Mr. Mathew.*

DEAR SIR,

(Translation.)

Mexico, November 19, 1860.

IN the afternoon of the 16th instant Mr. Beraza came to see me, and expressed his fears that certain seals of the British Legation, placed by you in the house which you occupied would be broken, and that consequently funds belonging to British subjects would be carried away.

Although you had not recommended these funds to my care, I was aware that my quality of Chief of the Diplomatic Corps, and the friendly relations which exist between my august Sovereign and Her Majesty the Queen of Great Britain, imposed certain obligations upon me, which it was my duty to leave nothing undone to comply with. I therefore requested Mr. Beraza to give me due notice, should his fears prove to be well founded; and I waited, with the determination of using in this case every means in my power.

On the morning of the 17th Mr. Beraza came to see me again, as did also Messrs Glennie and Whitehead. Convinced that the threat was serious, I went in person to see Miramon, who acquainted me with the decision of the Government to occupy said funds which he did not consider as due to the Government, but as payment to British creditors, and which he proposed to apply to the proceeds of the loan.

When I saw that this determination was immutable, and any efforts on my part to change it useless, I retired, declaring that in my position of head of the Diplomatic Corps I should have to protest by word and in writing against the act which I was told was about to take place.

I suppose you have been informed of my having actually protested when the Commissioner from this Government arrived with an armed force at the house in which you had your residence, and where the said funds existed.

Messrs. Beraza, Glennie, and Whitehead appeared to be satisfied with my conduct, and the latter has written to me, thanking me for the same. But I did not only do that. As I had announced to Señor Miramon, I subsequently addressed a note to Señor Lares, Minister for Foreign Affairs, copy of which I enclose herewith for your Government.

To this note I have not received a reply ; but unfortunately neither note nor protest proved sufficient to prevent the act, or save the 660,000 dollars, which, it appears, were under the safeguard of the Legation seals.

In acquainting you with this sad business, I hope you will see that I have done everything in my power in the matter in compliance with the duties of my position, and observing such a line of conduct as becomes the Representative of Her Catholic Majesty.

I avail, &c.

G. B. Mathew, Esq.

J. F. PACHECO.

(Inclosure 10.)—*Señor Pacheco to Señor Lares.*

(Translation.)

Mexico, November 17, 1860.

THE Undersigned, Her Catholic Majesty's Ambassador, regrets that he has to address his Excellency Don Teodosio Lares, &c., on the subject of a disagreeable occurrence that has taken place to-day.

By an order of the Quartermaster-General of the army a person whom the Undersigned has not the honour of knowing presented himself in the house of the British Legation in this capital, accompanied by an armed force, for the purpose of demanding a considerable sum, which it appears had been delivered, or was deposited for the payment of English creditors.

So far the Undersigned would have had nothing to do in the matter, inasmuch as Her Britannic Majesty's Chargé d'Affaires on leaving, had not recommended to him either the interests or persons of his countrymen ; but, in order to take possession of the above-mentioned sum, the Commissioner has had to break, and has broken a closed door, shut, and stamped with the seals of that Legation. Upon this act it is that the Undersigned, after having made a verbal

protest, considers he is compelled to repeat the same in this note, to which he calls the attention of his Excellency the Minister for Foreign Affairs.

Placed at the head of the Diplomatic Corps, the Undersigned cannot do less than remonstrate, in the most energetic manner, against what constitutes an infraction of the just immunities of foreign Representatives, and an attack upon international rights; such is the breaking of the seals of a Legation in order to take possession of what may be found under their custody and guarantee.

If that principle were unheeded, the relations between different States would be deprived of security and dignity, and the Law of Nations would be a prey to mere force and arbitrariness.

Deploring, therefore, an occurrence which the Undersigned needs not designate more particularly, he is obliged to insist upon the protest already referred to, which he communicates to his Excellency the Minister for Foreign Affairs, in the hope that he will reflect upon the public importance thereof, and upon the consequences it may bring upon Mexico, and acquainting him that it will be his duty to lay the same before Her Catholic Majesty's Government by the next mail, and to communicate it to his colleagues in this Republic.

He takes, &c.

Señor Lares.

J. F. PACHECO.

(Inclosure 11.)—*Mr. Mathew to Señor Pacheco.*

SIR,

Jalapa, November 25, 1860.

I HAVE had the honour of receiving your Excellency's despatch of the 19th instant, communicating the steps your Excellency had taken, in the hope of preventing the outrage committed by the Government of General Miramon, in the violation of the premises under lease to me, and of my official seal, and in the plunder of the British property thus obtained, and inclosing to me a copy of the protest you thought proper to address subsequently to Señor Lares.

I beg to express my deep acknowledgments of the course adopted by your Excellency on this occasion, which it will be my grateful duty to bring to the immediate knowledge of my Government.

I have directed Her Majesty's Consul in Mexico to transmit to your Excellency a copy of the despatch I have addressed him respecting this disgraceful occurrence.

From my knowledge of the character of General Miramon, of his Ministers, and of the infamous General Marquez, I can entertain but little hope of the simple reparation I have demanded.

In this case, I conceive it my duty simply to call the further consideration of your Excellency, as the Ambassador of Her Catholic

Majesty, and as the head of the Diplomatic body in this Republic, to an outrage which affects the general basis of the Diplomatic and International rights, upon the due observance of which must depend the just title of any Government to the recognition of civilized nations.

I have, &c.

Señor Pacheco.

GEORGE B. MATHEW.

(*Inclosure 12.*)—*Mr. Wagner to Señor Lares.*

Jalapa, le 23 Novembre, 1860.

SON Excellence l'Ambassadeur d'Espagne et le Chargé d'Affaires de France ont bien voulu m'informer de l'attentat odieux commis par les autorités de Mexico à l'hôtel de la Légation Britannique, pour s'emparer des fonds qui y étaient déposés.

Le Gouvernement de Mexico se précipite dans une voie où il sera impossible aux nations étrangères d'entretenir des relations avec lui.

Je vous prie, Monsieur, d'appeler l'attention la plus sérieuse de son Excellence le Président sur les périls de la situation, et de lui faire observer qu'en se rendant coupable, ou en tolérant, de pareils excès, il marche à sa ruine morale et politique, car on ne peut admettre que le peuple Mexicain ou les nations étrangères puissent accepter à la longue un Gouvernement qui foule aux pieds les premiers principes de justice, d'honneur, et de droit public.

Agréé, &c.

Señor Lares.

C. WAGNER.

(*Inclosure 13.*)—*Mr. Mathew to Acting Consul Giennie.*

SIR,

Jalapa, November 22, 1860.

I HAVE received with deep regret, and with just sentiments of indignation, your communication of the 17th and 20th instants, detailing the outrage committed against the law of nations and against the rights of property by the Government of General Miramon.

Your statements and your protest inform me, that on the 16th instant my residence in Mexico, the property of Mr. Barton, a British subject, was forcibly taken possession of by General Lagarde, by an order from General Marquez, under a pretence (the falsehood and absurdity of which must have been notorious) that a dépôt of arms was concealed in that or the adjoining house; and that on the 17th an armed force having occupied the street, and entered the house, under command of Colonel Jauregui, the premises secured under my official seal and declaratory statement were broken open by workmen employed for the purpose, and the money placed there by me for greater security, at the request of the agent of the English bondholders, was plundered and carried off, to the amount of 660,000 dollars.

I find further, that the Ambassador of Her Catholic Majesty, who had in vain previously warned General Miramon of the heinousness of the contemplated act, protested personally against it as well as yourself.

This occurrence, which has thus taken place within a few days of the publication by the Government of General Miramon of the note addressed to me by Señor Lares, in which that functionary loudly vindicates his Government as one of "law, order, and justice," against the accusation of having committed any act condemned by international law, and in which he solemnly declares the "firm determination" of General Miramon "to impart the most decided protection to the persons, as well as the property of Her Majesty's subjects," must have the primary painful result of convincing Her Majesty's Government, and the other allied Powers represented in Mexico, that no reliance can be placed in the honour of that leader or of the members of his Government, and that no faith can be reposed in their most solemn pledges and protestations.

I perceive that an attempt has been made (in perfect keeping with the rest of this disgraceful affair) by the Government in Mexico, to claim a jurisdiction over the bondholders' money, so long as it remained in this country, and undivided.

These funds, no part of which arose from duties levied within the jurisdiction held by General Miramon, are received by the agent of the bondholders in Mexico, in lieu of the outports, by a recent arrangement, made by request, and for greater general convenience; and they would have been ere this embarked, were it not for the violation of the existing stipulations, and for the illegal demand for arbitrary transit duties made, it is understood, by Señor Dias, a gentleman whose appointment to official duties was, it is well known, received with universal indignation.

But it is sufficient to refer to the law of the 23rd January, 1857,* to refute completely a claim which I can scarcely suppose to be seriously advanced.

The first Article of that Act directs the comptrollers of the maritime Custom-houses to make the payments agreed upon to the agent or agents of the bondholders, while the second declares that the responsibility of the Mexican Government absolutely ceases upon these payments being thus made into the agent's hands. Where no responsibility exists there can be no title or possession.

It must thus become evident that even under this point of view the Government in Mexico have avowedly been guilty of the act of forcibly entering a private residence, and of plundering the property of Her Majesty's subjects found therein. I am compelled, there-

fore, to acknowledge that the foreign resident has no longer any security for life or property under the government of General Miramon.

But a serious political aspect necessarily appertains to this outrage, and affects its perpetrators, whose signal punishment can alone relieve their country from the dishonouring stain they have now brought upon it.

Her Majesty's Government may not think fit to recognise the authorities holding power in the capital in Vera Cruz, or in any other part of Mexico, as the Government of the Republic, but they do not on that account forfeit the diplomatic securities and immunities guaranteed by the laws and comity of all civilized nations.

Not only was a specific part of the house of Her Majesty's Legation in Mexico retained for the archives and other property left under the especial charge of Her Majesty's Consul, of a member of the Legation, and of the porter for many years in its service, but under the terms of the lease the whole that I occupied was still in my possession.

It is unquestionable that the seal of Her Majesty's Legation protects the property it covers, whether this be money, archives, or despatches, throughout the Republic. On this occasion it has been openly violated. The protest made in person by the Ambassador of Her Catholic Majesty, as well as your own, would have sufficed to remove all possible plea of ignorance of the nature of the act committed in breaking open apartments secured by my official seal; but the order presented as his authority by General Lagarde on the 16th proves that his Government was fully conscious of the state of the case, by the instruction it contained to take especial care that any apartment or object protected by the arms of a foreign nation should be strictly respected.

General Miramon and his Ministers, it is clear, viewed the honour of their country and their own as far subordinate to their desire to obtain a sum of money, and have unhesitatingly trampled every law of civilization under foot to carry out their object.

But Her Majesty's Government, whose forbearance during the last two years has been so greatly tried, will not suffer an outrage, hitherto unparalleled, to remain without due redress.

I have to instruct you to address a communication to Señor Lares (inclosing at the same time a copy of this despatch) demanding the restoration within 48 hours of the money plundered from my house by the violation of the seal of Her Majesty's Legation, and a letter of ample apology for the outrage thus committed. If this demand is not complied with, within that time, General Miramon, the members of his Cabinet, Messrs. Lares, Dias, Corona, and Sagaceta, and General Marquez, will be held answerable in their persons and

in their property, as well as the Mexican nation, for this disgraceful act, and I shall take such steps as may seem best calculated to insure the objects of justice towards them.

I have further to instruct you to transmit a copy of this despatch to each of the Representatives of Foreign Powers still residing in Mexico, who will be the best judges of the course it befits them to take.

I have, &c.

R. Glennie, Esq.

GEORGE B. MATHEW.

No. 10.—Lord J. Russell to Mr. Mathew.

SIR,

Foreign Office, January 12, 1861.

THE very clear account which Mr. Consul Glennie has given to you respecting the robbery of 660,000 dollars from the house of the British Legation in Mexico shows that the robbery was effected by orders from General Marquez, the lieutenant of General Miramon, who has rendered himself so notorious for his acts of cruelty and oppression during the civil war; that the money was deposited in a room secured by a locked door and a padlock, and by the seal of Her Majesty's Legation. It appears that the officers deputed by General Miramon's Government deliberately cut away the padlock with a chisel, broke the seal, forced open the door, and, in spite of the solemn protest of the Spanish Minister, present on the spot, stole the money deposited in the room.

A more lawless outrage was never committed by persons assuming to be a regular Government.

I inclose a copy of a representation from the Mexican bondholders respecting the robbery of their property, together with a copy of the answer which I caused to be returned thereto. I also inclose copies of a correspondence I have had on the subject with Mr. Robertson.

I am not surprised that the bondholders should be loud in their demands for redress, but it is evident that, if Her Majesty's Government were to enforce reprisals on the property of Mexicans at Vera Cruz, they would by so doing be aiding and abetting General Miramon in his further depredations. Nothing less than marching a British army to the capital of Mexico would reach General Miramon, and Her Majesty's Government do not contemplate such a measure.

What Her Majesty's Government can do is to open negotiations with President Juarez. He may be told that the robbery of the bondholders at Mexico has been an act of State plunder so shameless that Her Majesty's Government can hold no relations with such a Government; that if President Juarez agrees in this opinion, and will be ready, if he succeeds in establishing his authority in Mexico, to acknowledge the debt incurred by the *de facto* Government at

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Mexico by the act of plunder referred to, as well as acquiesce in the principle of satisfying such other claims of British subjects for spoliation and violence inflicted on them at different times as may be satisfactorily established, Her Majesty's Government will be ready to recognise President Juarez as the head of a legal Government, and to give him the moral support of Great Britain. But that, in any case, Her Majesty's Government will hold the Mexican nation, by whatever Government it may happen to be ruled, responsible for the money recently seized at Mexico; and that Her Majesty's Government reserve to themselves the right to make any further demands which they may consider necessary for purposes of reparation and redress.

You will proceed to Vera Cruz on the receipt of these instructions. You will communicate them to Captain Aldham, or the senior British naval officer at that port, and, in conjunction with him, will make to President Juarez an offer of recognition upon the terms I have already mentioned.

Should your proposal be accepted, Sir Charles Wyke will be accredited, as The United States' Envoy already is, to President Juarez.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

(Inclosure 1.)—*Mr. McGarel to Lord J. Russell.*

*Committee of Mexican Bondholders, 10, Basinghall Street,
December 14, 1860.*

MY LORD,

A FEW days ago I had an interview with Mr. Hammond on the subject of the telegraphic intelligence then received from New Orleans of the seizure by General Miramon's Government of the funds of the British holders of Mexican national bonds, locked up in the city of Mexico, being so locked up there because, according to Mr. Hammond's letter to the chairman of this committee of 1st March last, your Lordship declined to interfere specially for their safe transmission to the coast, and because none of the 8 conductas from Mexico to Vera Cruz during the last 2 or 3 years have, in the opinion of Her Majesty's Minister in Mexico, offered sufficient security to justify Mr. Whitehead to intrust the funds of the bondholders to them; all having, in fact, been more or less plundered, besides having had to pay an extraordinary impost of 8 per cent., which would have been exacted from the bondholders, although legally exempted, as well as from others.

I have now the honour to send, for your Lordship's information, the copy of a report, dated Mexico the 17th ultimo, from the Commissioner of the bondholders in Mexico, Mr. Charles Whitehead, confirming the above intelligence and describing the circumstances attending this outrage.

In doing so this Committee beg leave, on behalf of the British holders of bonds of the Mexican national debt contracted in London, most respectfully and earnestly to appeal to your Lordship for prompt and signal redress.

This Committee at the same time deems it necessary on this occasion to draw your Lordship's more particular attention to the unfortunate fact, that parties in Mexico have, from long experience of the practice adopted here, become firmly convinced that as regards the British holders of their national bonds, no distinction will be made by our Government between a robbery and the mere non-payment of a debt, and that the former will practically be treated as an offence quite as venial and calling for as little international notice as the latter. Now, the mere insolvency of the Mexican Government will not, of course, give those British subjects who have lent their money to Mexico any right to call on their own Government for redress, although (as the fact is in the present case) they may have been countenanced and influenced by it to make such loan. But the bondholders have taken a tangible security for the due payment of the interest on this debt, cession having been made to them by the law of Mexico of certain revenues, the produce of which is from the moment of its being collected, *ex necessitate rei* indelibly invested with the character of realized British property.

It is when this realized British property, instead of being handed over to the agents of the bondholders, as by law it should be, is appropriated by the Mexican Government *in transitu* (a robbery that has for years been almost daily committed), that British subjects have a right to ask, and have asked for, but have scarcely ever obtained, redress. This unhappy and disgraceful state of affairs makes it highly desirable that the redress in the present instance should be signal as well as prompt, in order at length to put a term to the practice which has grown up in Mexico of robbing the bondholders in consequence of the notion entertained that robbery of the bondholders is wittingly and systematically tolerated by the British Government.

Such being the state of opinion and the consequent practice in Mexico, the only shadow of protection afforded to the funds of the bondholders accumulated in the capital, was the presence of a British Legation there. It is, therefore, a circumstance deeply to be deplored that there should all at once have arisen such a pressing necessity for, or that so great an object was to be gained by, the sudden departure of the British Legation from Mexico, that it had to be carried into effect without even awaiting the arrival of Sir Charles Wyke there, and without a moment's warning to the parties whose property was imperilled by it. If, however, it was a necessity

of State, the State will, of course, bear the sufferers harmless from the inevitable consequence of it.

The settled and unanimous opinion of all Mexicans having experience of public affairs, when speaking in confidence, is that no argument short of actual coercion will ever have any chance of prevailing in Mexico in favour of regularity, honesty, and justice. As to the apprehension that Mexico would at present go to war with this country in consequence of such moderate coercion as the occasions arising through her own misconduct may require, there is something almost ludicrous in it. But what the bondholders require is not war, but redress, and if the country cannot, in return for allegiance, afford protection by the employment of force, it will, of course, compensate those who are sufferers by this inability. To suppose the alternative of a Government denying to subjects, acting in the exercise of their perfect rights, both redress for wrongs suffered, and compensation for non-redress, would be a supposition too monstrous and offensive even to be broached.

I have, &c.

CHAS. MCGAREL,

Deputy Chairman of the Committee of Mexican Bondholders.

P.S.—For the greater convenience of reference, we beg leave to inclose a fascicle containing (pages 3 to 5 and pages 21 to 23) the Mexican Decrees of 14th October, 1850,* and 23rd January, 1857,† on which the rights of the bondholders are based.

Lord J. Russell.

C. McG.

(Inclosure 2.)—*Mr. Whitehead to Mr. Robertson.*

Mexico, November 17, 1860.

ABOUT 4 o'clock yesterday afternoon, being at the Lonja (or Exchange rooms), I received a message to say I was wanted at home. I went there, and found General Lagarde, the chief of police, had been there, and presented a written order he had received to search the house and the adjoining one for arms; and that if any room were sealed up by a Foreign Minister, the seal was to be respected. He accordingly made a hurried search for arms (which was merely a blind), and then proceeded to examine carefully the door of the treasure. He had already left when I arrived, but I found Mr. R. Glennie, the Acting Vice-Consul, and Don Rafael Beraza, formerly courier of the British Legation, but since attached to it as a general medium in this relating to the palace [*sic*].

Lagarde returned after some time, having made his report, and allowed Mr. Glennie to take a copy of his order. He then went away, leaving two officers of the police in charge, and another I believe was placed in the street; the former were put especially in

* Vol. L. Page 1123.

† Vol. L. Page 1124.

charge of the treasure-room to watch the door and a servant's room adjoining beyond, lest any attempt should be made, I suppose to convey it through the wall.

The Spanish Ambassador was very kind, and sent word, through M. Beraza, that he would do everything in his power, and in case the thing went any farther, he would go and see Miramon, and also, if needful, be present and protest against any ulterior measures. I heard no more till shortly after I commenced writing this, when I received an "oficio" from General Marquez requiring me to deliver up the funds, partly because until a dividend was made they were national property, and partly because in the present state of things they were exposed to danger: for the moment they required only 200,000 dollars, which I was requested to deliver to the Commissary-General, the rest would be removed to a place of safety and deposited, and only used in case of need, and for this a return should be made out of certain contributions and duties (you will find copies of this and other communications annexed). The Commissary required an immediate answer, which I gave him verbally, until my written one could be sent in. It was to the effect that the money on being recovered had been placed under the safeguard of Her Majesty's Legation, and that Mr. Mathew, before leaving, had placed his seal upon it, and taken possession of the keys; that, consequently, it was not in my power to comply with the order; that even had it been different, I could not have done so, for I had received the money for the sole purpose of remitting for account of the bondholders, whose property it was from the moment it came into my possession. With this reply he went away, and I called on the Spanish Ambassador to thank him for his offers of service, and to tell him I believed the time was at hand for me to avail of them. He read the "oficio," and told me that although Mr. Mathew had gone without recommending British interests to his care, still, as England and Spain were friendly Powers he should have great pleasure in doing what lay in his power, and considered it a duty. He told me he had no doubt they would have the money, for he had just come from the palace, where he had gone on purpose, and though he made every remonstrance, and pointed out the heinousness of their proceeding, they had told him they must have it; that when they came, the Consul and myself must both protest; and that if I would send him word, he would come over and do the same.

After finishing the rough draft of my reply, I took it over to show it him, and he fully approved of it. I therefore returned home, and just as it was finished, and I was folding it up, I received a second "oficio" from General Marquez, saying that, as he supposed my written communication would be to the same effect as the verbal one, the Government could wait no longer, and the bearer, Colonel

Jauregui, was ordered to take possession at once. I dispatched my answer, and then asked Colonel Jauregui what course he proposed taking. He said his instructions were to take the money, and if I delivered it, he had nothing more to do but to receive it. I told him I had not got the key, nor had I authority from Mr. Mathew to break the seal. I sent for Mr. Glennie, and we both spoke to the same effect, that the money was British property, and under the custody of Her Majesty's Legation, and could not be delivered; and if they proceeded to violence, we held them responsible personally, from the President to the lowest individual who took any part in the matter. This was all taken down by a notary and signed; and by that time the Spanish Ambassador arrived, and addressed Colonel Jauregui very strongly, and properly protesting, as the chief member of the Diplomatic Corps, against the whole proceedings. On his retirement Jauregui, the notary, and a number of others approached the door with two blacksmiths and a bag, and ordered them to proceed to take off the lock (which was a large padlock, with hooks and bars), and be careful not to break the seal. They were just commencing when Mr. Glennie repeated in a loud voice what he had before said, and cautioned especially the workmen that they were committing an illegal act, and violating the property of Englishmen, and the seal of Her Britannic Majesty; whether this was broken or not, was a matter of no importance, the violence was equally committed. I did the same. The store was filled with foreign residents, among whom was Mr. Blacket, American Consul, and I called them all to witness that I opposed myself to the scandal which was about to be perpetrated, and should hold responsible every one who had any hand in it, from the President to the most insignificant individual.

The workmen at first pretended they could not get the lock off, being evidently alarmed at what might happen to them, and attempted to retire, but were brought back by a soldier belonging to a strong guard which had been marched into the entrance-court and in the front of the house. In about half or three quarters of an hour they succeeded in getting the lock off, and Colonel Jauregui desired me to notice that the seal had not been broken; I refused, however, to look whether it had been or not, saying the outrage had been effected. A strong Chubb's lock was under the padlock, and another workman was brought to remove that; before he commenced, Mr. Glennie gave him the same caution as before, but he was told by the officer that he was to do so; he therefore, finding no other way, tried to cut a piece out of the door, and after about another half-hour it was effected, and the police force entered the room. Upon this being done, we all retired. The officer asked Mr. Glennie to step in and see the amount they took, which he

refused to do, saying he had seen far too much already ; that he was now in full possession, and must do as he liked.

After posting this letter, I shall write to Mr. Mathew, and send it to Jalapa by express. The correspondent of the "New Orleans Bee" accompanied me upstairs, and has sent a communication to that paper, which no doubt will be telegraphed to New York, and reach home before this letter.

If I have omitted anything, you will please excuse it, as I have been much hurried ; perhaps in the end all may turn out for good, if our Government take it up in the way I trust they will.

I have, &c.

D. Robertson, Esq.

C. WHITEHEAD.

I send this open to Messrs. Viga for their perusal, having no time to write them.

(Inclosure 3.)—Correspondence between Mr. Whitehead and General Marquez, &c.

(Translation.) Head-Quarters, Mexico, November 16, 1860.

THE General-in-chief of the army has received information that in the houses under Nos. 10 and 11 in the street of the Capuchins, there exists a dépôt of arms, and his Excellency, therefore, orders that you will at once proceed to make an examination of the stores of those houses, ordering your people to open such cases as you consider necessary, and to proceed to do whatever may be necessary to ascertain the truth of the matter.

His Excellency recommends you to use all due moderation, and to treat such persons as you may meet therein with the consideration they deserve.

Should you find any door or article protected by the arms of another nation, you are to respect the same, and in no wise proceed to touch it, taking care only that no one claims it ; giving account of your proceedings forthwith to the General-in-chief, in order that his Excellency may take such resolution as he may consider advisable.

God and law.

General Juan Lagarde.

L. MARQUEZ.

Head-Quarters, Mexico, November 17, 1860.

As the sums belonging to the public debt are in your custody, intended for the payment of the bonds of the public debt contracted in London, have not yet been paid, and no definitive payment, and are, under present circumstances, in great risk, along with other interests.

of any disturbance of public tranquillity—a risk which is imminent, but which must be guarded against by the forces for the maintenance of order in this city, and as this cannot be done in a proper manner with the funds available, seeing that their collection is slow, the General-in-chief of the said forces, in fulfilment of his duty, and for the purpose of saving his responsibility, in respect of such numerous interests, has resolved that you shall place at the disposal of the commissariat of the army the sums in question, on the understanding that no amounts except such as are absolutely necessary shall be withdrawn from the chests in which they are deposited; and that, in order to restore the amounts so taken, the said department will place at your disposal the sums to be collected of the loan granted by the venerable body of ecclesiastics, and by private individuals, to cover the wants of this garrison, and that should there still remain any deficiency at the time of the departure of the first conducta, it shall be covered out of the dues levied upon the goods exported by the former.

You will to-day be good enough to hand over the sum of 200,000 dollars, for which the Commissary-General will give you a receipt.

God and law,

C. Whitehead, Esq.

L. MARQUEZ.

EXCELLENCY,

Mexico, November 16, 1860.

IN reply to the official note which I have just had the honour to receive from the hands of the Commissary of the army, I must inform you that the money which has been received here for account of the foreign debt contracted in London, was placed under the custody of Her Britannic Majesty's Legation, agreeably to the order which I received from the Committee in London, for the purpose of remittance as soon as circumstances would allow it, and Mr. Mathew, before leaving for Jalapa, placed his seal and signature on the door of the room where the funds were deposited, he himself retaining the keys.

Consequently, notwithstanding the weighty circumstances which your Excellency, with so much justice, points out to me, I cannot dispose of these funds without the consent of the British Minister, or without receiving the keys and his permission to break the seal of the Legation. This is the reply which I had the honour to give to the Commissary by word of mouth, for the purpose of saving time, and at his request, when I told him how impossible it was for me to hand over to him the 200,000 dollars; and I feel convinced your Excellency will be persuaded that it arises from no want of respect to the Supreme Government that I have failed to comply with its resolutions, but rather because I have no power in the matter.

With reference to the remark your Excellency has thought fit to make I cannot refrain from observing that, although the funds have not been distributed in the shape of dividend, they have none the less passed legally into the possession of the bondholders, and even if they should not have been deposited in the hands of the English Legation, I could have no option in the disposal of them, but must ship them in due course; in proof of which, and in case of your Excellency's not having at hand the law of the 28th January, 1857, I take the liberty of inclosing a copy, where you will see that the above is therein plainly laid down.

H.E. the Quartermaster-General.

CHAS. WHITEHEAD,

Commissioner of the Mexican Bondholders.

Head-Quarters, Mexico, November 17, 1860.

HAVING been informed, by the reply which you sent me this morning, through the Commissary-General of the Army and Marine, in answer to my communication of the same date, which was handed to you by that gentleman, respecting the supreme resolution of his Excellency the General-in-chief of the national army, dictated by the wish to save the interests which you hold in deposit, and which are destined for payment of the bondholders of the English debt; and it being impossible to have any further delay in waiting for your written reply, which you have promised to forward, and which must be to a like effect, Colonel Antonio Jau-regui will forthwith proceed to your establishment to carry out the order issued by his Excellency the General-in-chief, of which I hereby advise you for your information.

God and law.

C. Whitehead, Esq.

L. MARQUEZ.

(Inclosure 4.)—Mr. Hammond to Mr. McGarel.

SIR,

Foreign Office, December 19, 1860.

I AM directed by Lord John Russell to acknowledge the receipt of your letter of the 14th instant, transmitting a copy of a report received from Mr. Whitehead, respecting the robbery by the authorities at Mexico of the funds belonging to the British holders of Mexican bonds, which were deposited under lock and key in the house of Her Majesty's Legation in that city; and you say that as the only shadow of a protection to the bondholder's property was the presence of the British Legation, it is to be deplored that Her Majesty's Government should have been obliged to Mr. Mathew to retire to Jalapa, instead of waiting for Mr. Wyke. You add that what the bondholders want is not only redress; and that Her Majesty's Government should

protect the bondholders by the employment of force, it is expected that they will at least compensate the bondholders who are sufferers by that disability.

Lord John Russell has also received a letter, dated the 15th instant, from Mr. Robertson on the same subject.

I am, in reply, to observe to you that the Mexican bondholders must be aware that they have long been complaining of the conduct of the Government of General Miramon. As Her Majesty's Government did not obtain from that Government redress for the various wrongs which it had inflicted upon British subjects, they at length directed Mr. Mathew to retire from the city of Mexico; but he was not told to hurry away, and, in fact, there was no State urgency in the case, there not being any quarrel between the two Governments, except as to the bad treatment by that of General Miramon of British persons and property. Among those who had more particularly complained of ill-treatment was Mr. Whitehead, the agent of the bondholders in Mexico.

General redress can, in Lord John Russell's opinion, only be obtained when a Government which respects British persons and property shall be established in Mexico. Her Majesty's Government will use their influence to establish such a Government; but they are not prepared to interfere by force to effect a change in the internal government of that country.

With regard, however, to the particular act now complained of, Her Majesty's Government will use their best efforts to obtain reparation.

I am, &c.

C. McGarel, Esq.

E. HAMMOND.

(Inclosure 5.)—*Mr. Robertson to Lord J. Russell.*

MY LORD, 10, Basinghall Street, London, December 15, 1860.

I HAVE been for many years past honorary chairman of the English national creditors of Mexico, or, as they are called, Mexican bondholders, along with my excellent friend Mr. McGarel, of Belgrave-square.

We have repeatedly wished to retire, but no one has been found to take our places in whom the British public and bondholders have confidence, and they have from time to time begged us to remain, which we have done, from an unwillingness to abandon our post during times of difficulty, when and where such large British interests are at stake: the more so as we know them to be a most respectable body, many of them whose fathers, husbands, and brothers embarked their all in these funds in 1825 to aid the Mexican Government and people to achieve their independence, to which the British Government of that day lent their open countenance and avowed support.

Your Lordship and your Lordship's predecessors well know the difficulties with which the creditors of the South American States have to contend. But it is very gratifying to consider that Chile, Peru, and Buenos Ayres have acknowledged their national debts, and have resumed and now continue to pay their dividends as regularly and faithfully as any of the great States of Europe. This has been mainly accomplished through the good offices of your Lordship's predecessors at the Foreign Office of England, and her representatives abroad under its direction.

Mexico, though the wealthiest of the great States of South America, has been the last to meet her public engagements, though in order to enable her more readily to do so her English bondholders had the generosity to consent to take 8 per cent. instead of 5 per cent. interest, but under a solemn promise that the reduced dividend should be regularly paid.

I need not remind your Lordship of their faithless conduct for some years past, and of the ill-usage experienced by British subjects in this matter as well as in many others. But it remained for the present Government of Mexico to perpetrate the most unheard of outrage that, perhaps, ever has been committed in open day upon the property of British subjects, and in the presence of the British Consul, and, regardless of locks and seals by which it was secured and stamped by our English Minister at his residence in Mexico, and handed over on his temporary retirement from it to the protection of our British Consul, whose power was set at naught and protest unheeded and held as worthless.

It is not for me to presume to say what course your Lordship may in your wisdom think proper to take to recover this property, but as a body of ill-used Englishmen we feel confident that we shall not seek in vain at your Lordship's hands for immediate redress, through Her Majesty's Government, from the Government of Mexico, and instant restitution of that of which we have been so scandalously robbed.

Our vice-chairman, Mr. McGarel, will also have the honour of addressing your Lordship with a fuller statement than I have the means at hand of now making. I have, &c.

Lord J. Russell.

DAVID ROBERTSON.

(Inclosure 6.)—Mr. Hammond to Mr. Robertson.

SIR,

Foreign Office, December 21, 1860.

I AM directed by Lord J. Russell to acknowledge the receipt of your letter of the 15th instant respecting the recent robbery by the Mexican authorities of the funds belonging to the bondholders which were desposited in the city of Mexico, and I am to state to

you in reply that Her Majesty's Government will take such measures as shall appear to them best calculated to obtain redress.

I am, &c.

D. Robertson, Esq.

E. HAMMOND.

No. 11.—Mr. Mathew to Lord J. Russell.—(Rec. Feb. 1, 1861.)
(Extract.) *Jalapa, December 25, 1860.*

I HAVE the honour to acknowledge your Lordship's despatch of the 11th of October, with respect to the suspension of payments of interest to the holders of the Convention and Mexican Loan Bonds.

I have the honour to inclose a copy and translation of the terms agreed upon by Captain Aldham,* by which payments are proposed to be resumed on the 1st January, with 10 per cent. extra from the 1st February to meet the arrears accruing from this suspension.

Lord J. Russell.

GEORGE B. MATHEW.

No. 12.—Mr. Mathew to Lord J. Russell.—(Rec. Feb. 1, 1861.)
MY LORD, *Jalapa, December 25, 1860.*

I REGRET extremely to have to state, with reference to your Lordship's despatch of the 31st of October, that the well-meant act of General Degollado, in restoring to Mr. Consul Glennie the sum of 400,000 dollars (the supposed amount of British property in the conducta which that hitherto respectable officer had, with deplorable weakness, been led, by those around him, to seize), has been rendered of null effect by a series of circumstances of the most disagreeable nature.

I had the honour of transmitting to your Lordship General Degollado's letter, placing that amount at my disposal, and I beg now to transmit a copy of my reply, as well as of the instructions I forwarded at the same time to Mr. Consul Glennie.

In consequence of the permission thus sent him, Mr. Glennie conveyed the money in safety, after a most arduous and dangerous journey to Tampico, having, for greater security, changed it from the sacks in which it had been handed over, by the officers appointed by General Degollado, into new ones, marked "Legacion de Su Majestad Británica;" the old sacks having been, as I am since informed, preserved, with the marks untouched, at Her Majesty's Consulate at San Luis Potosi.

Meanwhile, reclamations had been addressed to me, by Señor Pacheco, Her Catholic Majesty's Ambassador, and by the other Ministers, on the ground that among the sacks so restored were

* See "Agreements entered into with the Constitutional Authorities at Vera Cruz, by Captain Dunlop, R.N., and Captain Aldham, R.N." Vol. XLIX. Page 1253.

said to be some bearing the marks of Spanish, and other foreigners, and which should, therefore, it was alleged, be still deemed their property.

The money, however, had long passed from their hands by the act of the representative of a Government who avowed their responsibility: so far from being the losers by the restoration to British subjects of their amount of loss, other foreigners were the gainers in the diminution of the sum to be claimed from the Constitutional Government, and it is notorious that, in all "conductas" from the interior, the marks on the sacks (generally, indeed, effaced by the journey on mules) are never attended to, but, as each sack holds the same amount (2,500 dollars), the number of sacks to which each person is entitled are handed at the port of embarkation to him.

I could not, therefore, concur in the legal right of others; but fully entering into the peculiar features of the case, and thinking it of primary importance that a good feeling should exist among all foreigners in their commercial undertakings in the present state of Mexico, I took upon myself to agree with Señor Pacheco on the restitution to all foreigners of any sacks proved to have contained moneys *bond fide* their property; and he dispatched the Acting Spanish Consul-General to Tampico to carry our arrangement into effect.

I received, however, the unexpected intelligence that the money had been seized by Governor Garza, at the entrance of Tampico, on the 2nd of November, and had been forcibly deposited in the Mexican Custom-House, on the requisition, avowedly, of M. de St. Charles, in his capacity as Acting Consul of France.

This person appears to have grounded the demand which led Governor Garza to the commission of this outrage on orders issued by the Constitutional Government, and communicated to the Consul of France at Vera Cruz (in a correspondence of which I beg to inclose the published copies), instructing General Degollado to restore the money of the conducta, or, if that were impossible, to return what might remain in equal ratio to the sufferers.

These orders, however, did not reach General Degollado until after a division of the spoils, and after the restitution to Mr. Glennie; and as soon as the Vera Cruz Government became aware of the fact, they communicated to Governor Garza, by the despatch of which I inclose a copy, the withdrawal of their previous order of distribution.

General Garza, therefore, intimated, on the 5th of November, to Mr. Consul Glennie his willingness to restore to his charge the money he had seized on the 2nd; but upon Mr. Glennie's demanding it at the Custom-House, he was informed it was retained by an order just received from the federal judge of the district, at the

suit of the Acting Consul of France; and on the 13th instant, under a decree of this judge, of which a copy and translation are annexed, the money was handed over to 3 merchants of Tampico for distribution among all parties interested in the original conducta, less, I am informed, by a considerable sum paid as "duties" to Governor Garza and for the legal costs.

I beg leave to call your Lordship's attention to the inclosed copy of a letter I addressed on the subject to the Comte de la Londe, before I was aware of this last act, to which, owing probably to the arrival of M. de Saligny, as well as to the difficulty of communication, I have as yet received no answer.

There can be no question of the impropriety of the conduct of Governor Garza in taking possession of money marked as belonging to Her Majesty's Legation, and under the care of Her Majesty's Consul; nor can I admit the jurisdiction of a federal judge in a case where the Federal Government had withdrawn its commands from want of jurisdiction. I must equally object to his sentence, which he mainly rests upon the incorrect statement that the original marks had been effaced by Mr. Consul Glennie.

It seemed, however, on consideration, that we had nothing to do with these legal proceedings, consequent upon the seizure of the money by Governor Garza, and that the proper course was to demand redress and repayment from the Constitutional Government at Vera Cruz for the original act of General Degollado, and for this subsequent seizure, which places British claimants in a stronger position than the sufferers by the first of these acts solely. I have, therefore, entered at some length into correspondence with Captain Aldham, and have urged upon him the necessity of taking the strongest steps, if necessary, to obtain redress and the security of early repayment.

I have felt it right to reject proposals of repayment evidently dependent on the success of the Constitutional party for realisation, and I regret that as yet I am unable to report to your Lordship any final result.

I have the honour to inclose copies of the last communications between Captain Aldham and myself.

Your Lordship will perceive that, in addition to the reprehension of Governor Garza, if he acted on his own authority, I have demanded an assignment of the duties at Vera Cruz and Tampico that may yet be free, for the payment of the sum due, together with interest at the rate of 12 per cent. per annum.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(*Inclosure 1.*)—*Mr. Mathew to Señor Degollado.*

SIR,

Mexico, October 3, 1860.

I HAVE been favoured with your Excellency's communication of the 23rd ultimo.

While I am very sensible of the feeling (so flattering to me) which has induced you to place at my disposal the sum of 400,000 dollars, forming apparently the bulk of the British property in the *conducta*, I beg you will permit me to urge again and most earnestly upon your consideration the justice and policy of extending to all, as far as may still be possible, this restitution. Such an act cannot but tend to the advantage of your party and to your Excellency's honour.

I must, at the same time, set myself right with your Excellency with respect to my political course.

I have no hesitation in avowing my hearty concurrence in the principles of religious toleration and civil liberty proclaimed by your Excellency; but, beyond this, my duty prescribes to me a strict neutrality of action between the contending parties in this Republic; and my steps have, therefore, been limited to taking every opportunity of advancing and furthering the restoration of peace.

I have, &c.

Señor Degollado.

GEORGE B. MATHEW.

(*Inclosure 2.*)—*Mr. Mathew to Consul Glennie.*

SIR,

Mexico, October 2, 1860.

I BEG to acknowledge the receipt of your communication of the 23rd of September.

It is with unfeigned regret that I find your representations failed to induce General Degollado to restore to all parties the money seized in the *conducta*; and I have felt it my duty to urge again upon his Excellency, in the accompanying letter, that act of justice.

At the same time an official demand, whether on your part or mine, could only be pressed with regard to the property of Her Majesty's subjects; and, however unpleasant and invidious the position forced upon me, I am bound to accept and to acknowledge warmly General Degollado's conduct in yielding to that demand.

I have, therefore, only to request that you will require ample proofs in the distribution of the sum you have named (400,000 dollars) that the claims advanced are *boná fide* British property; all speculations or purchases of money by English subjects, after it was placed in the *conducta*, being held as secondary claims.

In the event of the 400,000 dollars being insufficient to cover the first claims, an equal loss or percentage must be incurred by the holders, and the balances due will be demanded at Vera Cruz.

If, however, there is an excess over the unquestionable English claims, primary and secondary, the amount must be returned to General Degollado; all extra expenses or losses incurred by the seizure being deducted.

I can only instruct you to take the best possible steps for the security of the money, whether by its temporary retention at the Consulate at San Luis, or by its progress towards a port of embarkation, as may suit the wishes of the owners; but you have my full sanction, should you desire it, to accompany the conducta yourself to the port, returning here immediately afterwards.

I have, &c.

B. Glennie, Esq.

GEORGE B. MATHEW.

(Inclosure 3.)—*Correspondence between the French Consul at Tampico and the Governor of Tamaulipas, &c.*

Consulat de France à Tampico,

Le 30 Octobre, 1860.

M. LE GOUVERNEUR,

J'AI l'honneur de remettre à votre Excellence, en la suppliant de me les retourner aussitôt qu'elle en aura pris connaissance, les copies de la réponse faite à M. Dozan, Consul de France à Vera Cruz, par son Excellence M. le Ministre des Relations D. Melchor Ocampo, et de celle qu'a faite M. Glennie à M. E. Dauban, Vice-Consul de France à San Luis. L'ordre précis du Gouvernement résidant à Vera Cruz est que les 400,000 dollars soient répartis au prorata. M. Glennie attend des instructions de la Légation Britannique à Mexico pour la destination définitive de ces fonds. Je respecte, comme je le dois, l'ordre du Gouvernement Constitutionnel, et j'en demande l'accomplissement. Je n'ai rien à voir dans la mission de M. Glennie. Au nom de la justice, au nom des nombreux intérêts que je représente, je demande que ces fonds, venant sous la protection des autorités constitutionnelles, soient déposés, aussitôt leur arrivée en cette ville, dans la maison d'un négociant de la confiance de votre Excellence, et qu'une Commission composée de négociants Français, Espagnols, Allemands, et Anglais, nommée par votre Excellence, fasse immédiatement la répartition ordonnée par le Gouvernement dont dépend votre Excellence. Tout délai, M. le Gouverneur, est une perte qu'il faut ajouter à toutes celles qu'a souffertes le commerce qui demande protection par mon intermédiaire. Je suis convaincu qu'on la lui accordera.

Le Consul de France, d'Espagne, de Belgique, chargé des intérêts Italiens et Allemands, CH. DE SAINT CHARLES.
M. le Gouverneur de l'Etat de Tamaulipas.

Palais National, Vera Cruz, le 25 Octobre, 1860.

Le Soussigné, Ministre des Relations du Gouvernement Constitutionnel du Mexique, a l'honneur de répondre à la note que M. le Consul de France, Jules Doazan, a bien voulu lui remettre en mains propres, hier au milieu du jour, note qui porte la date du même jour, et qui se réfère à la conduite d'espèces saisie par M. Degollado, en Septembre dernier, et à la suspension des Conventions Françaises. Par décision de son Excellence M. le Président, auquel il a rendu compte de la dite note, le Soussigné doit dire à M. le Consul : Que le Gouvernement Constitutionnel a décidé la restitution des fonds de la conduite prise par M. Degollado; qu'il a donné ses ordres aussitôt que ce fait est venu à sa connaissance, pour qu'on restituât immédiatement tous ces fonds; qu'ensuite, il a renouvelé ses ordres pour que, s'il n'était plus possible de restituer le tout, la partie qui en resterait encore fût répartie, au prorata, entre tous les propriétaires de ces fonds, et qu'il a des contrats pendants et des ordres dictés pour créer des ressources suffisantes pour que la conduite soit efficacement et promptement remboursée; qu'il considère comme une de ses premières et plus urgentes mesures le paiement de cette dette, et l'indemnité, pour les intéressés, des dommages et préjudices que leur a causés cette occupation; et qu'en attendant qu'il se procure d'autres ressources, il a employé déjà le moyen qui se trouvait le plus praticable pour lui, en assignant le produit de la vente des monastères pour réaliser, dès maintenant, cet objet important. Le Soussigné ne veut pas terminer la présente sans profiter de l'occasion pour porter à la connaissance de M. le Consul qu'aussitôt que M. le Président sut que la conduite d'espèces avait été écartée de sa route, il ordonna à M. Degollado de l'y faire rentrer et de faire le procès au coupable; qu'aussitôt qu'il sut ensuite, par la réponse de M. Degollado, que ce dernier était le coupable, il lui donna l'ordre de comparaître devant le Gouvernement pour s'y soumettre à un jugement; que lorsque, plus tard, il connut la rumeur d'après laquelle on avait remis ou on allait remettre une partie des fonds aux sujets Anglais, il donna l'ordre que ce qui allait être restitué fût réparti entre tous les intéressés et dans la proportion convenable. M. le Consul peut se convaincre plus largement sur ces derniers points, par les copies des communications y relatives que le Soussigné joint à la présente, sous les Nos. 1, 2, et 3.

Le Soussigné, &c.

OCAMPO.

Document No. 3

EXCELLENCE,

Il a été présenté à M.

[1860-61. II.]

au sujet de la nouvelle faute qu'a commise, dit-on, M. le Général Santos Degollado en restituant la partie de la conduite qui appartenait à des créanciers Anglais. Ayant rendu compte de ces protestations si justes à son Excellence le Président, son Excellence a disposé que M. Degollado soit prévenu, s'il n'a pas fait la restitution de la conduite, comme l'ordre lui en a été donné, et s'il en conserve quelque partie qu'il pense restituer aux Anglais, qu'il remette cette partie dans quelque maison de commerce de toute sa confiance, dans l'intelligence que la restitution en sera faite, mais à tous les intéressés, dans la proportion des fonds qui leur correspondent. Que votre Excellence veuille donc donner ses ordres, dans ce sens, à M. Degollado ou à qui il correspond aujourd'hui, et les expédier le plus tôt possible et par divers conduits, pour éviter, autant que faire se pourra, que ces ordres s'égarent.

Dieu et liberté.

Veuillez, &c.

S.E. M. le Ministre de Guerre et Marine.

OCAMPO.

Document No. 2.—Réponse à la Communication Officielle du 19 Octobre, 1860.

*Ministère de Guerre et Marine, Section 4ème,
Vera Cruz, le 20 Octobre, 1860.*

EXCELLENCE,

Sous cette date, je transmets à son Excellence M. le Général-en-chef de l'armée Fédérale, pour son accomplissement, la note de votre Excellence, dans laquelle vous me communiquez que son Excellence M. le Président Constitutionnel a bien voulu ordonner que si la dite Excellence M. le Général-en-chef n'a pas exécuté l'ordre qui lui a été donné pour restituer la conduite qu'il a occupée, et s'il en conserve quelque partie, il la remette à une maison de commerce de toute sa confiance, afin qu'elle soit répartie entre tous les intéressés, dans la proportion qui correspond à chacun d'eux, et non-seulement aux sujets Anglais, comme son Excellence M. le Président a appris qu'il allait être fait. Que votre Excellence veuille bien recevoir l'assurance de ma considération et de mon estime.

Dieu et liberté.

S.E. M. le Ministre des Relations Extérieures.

LLAVE.

Document No. 3.

Le Nq. 3 compris dans les documents qui ont été remis à M. le Consul de France à Vera Cruz, et dont copies ont été présentées au Gouvernement de l'Etat par celui de la ville, et le Décret qui est publié dans la partie officielle du présent journal.

Je certifie.

EMILIO VELASCO, *Oficial Mayor.*

*Gouvernement Constitutionnel de Tamaulipas,
Tampico, le 31 Octobre, 1860.*

J'AI reçu hier, à 11 heures du matin, la communication de ce Consulat, datée du même jour, avec les documents auxquels elle se réfère.

On y demande :

1. Que les 400,000 dollars remis par M. Degollado à M. le Consul Anglais, Glennie, à San Luis Potosi, et qui sont en route pour ce port, soient déposés, aussitôt leur arrivée, dans quelque maison de commerce qui soit de la confiance de ce Gouvernement.

2. Qu'une Commission, nommée par moi, composée de négociants Français, Allemands, Espagnols, et Anglais, fasse la répartition au pro rata qu'a ordonnée le Gouvernement Suprême Constitutionnel, entre tous les intéressés dans la conduite prise par M. Degollado.

La note du Consulat étant considérée sous ces deux aspects, la réponse de ce Gouvernement Suprême est très simple.

Le principe de justice et d'équité sur lequel se fonde la réclamation du Consulat est si clair, qu'il me suffit pour que j'accède à la demande, dans sa première partie, de sorte que, comme il ne résulte pour autrui aucun préjudice de cette mesure purement de précaution, la conduite sera déposée, dès son arrivée, dans une maison impartiale et de ma confiance absolue. Mais je ne puis, dès à présent, rien décider relativement à la seconde partie, tant que je n'aurai pas entendu M. le Consul Glennie, qui vient avec les espèces, suivant ce que j'ai appris.

Pour agir ainsi, ce Gouvernement a dû prendre en considération des raisons d'un grand poids :

1. Jusqu'à ce jour, je n'ai pas reçu du Gouvernement Suprême Constitutionnel les instructions qu'il pourra me donner d'un moment à l'autre, et je ne puis les devancer.

2. Quand M. Degollado a remis à M. Glennie les espèces dont il s'agit, il en aura donné les motifs au Gouvernement Suprême et ce dernier aura pris une résolution que je ne puis préjuger.

3. Les résolutions suprêmes auxquelles se réfère le Consulat, à l'exception du Décret du 24 du courant, bien que je puisse les considérer comme décisives, ne sont constatées, à mes yeux, que par les certificats des Consuls de Vera Cruz et Tampico, dans lesquels j'ai foi entière, mais ce n'est pas là le conduit par lequel je puis les apprendre, et en matière aussi délicate que le cas présent et vis-à-vis d'autres Consuls, je dois les compléter par des documents particuliers.

4. Je prévois, en outre, que le Consulat a son propre intérêt, et peut-être porte-t-il atteinte à son

servent à éclairer ma conduite ultérieure, sur la répartition ou la destination finale de ces fonds.

En tous cas, ce Gouvernement agira avec la prudence, la circonspection, la dignité, et la justice qui ont toujours guidé sa conduite.

Je vous retourne les documents que vous avez joints à votre note sus-mentionnée et dont vous avez demandé la dévolution.

Je vous donne, &c.

Dieu et liberté.

JUAN JOSE DE LA GARZA.

EMILIO VELASCO, *Oficial Mayor*.

*M. le Consul de France, d'Espagne, et de Belgique,
Chargé des intérêts Italiens et Allemands.*

*Gouvernement de l'Etat de Tamaulipas,
Tampico, le 1 Novembre, 1860.*

Sous la date d'hier, j'ai dit à M. le Consul de France ce qui suit :

" J'ai reçu hier, à 11 heures du matin," &c. (la note qui précède).

Et je vous le transcris pour votre intelligence, ce Gouvernement ayant disposé que les fonds de la conduite soient déposés à la douane maritime de ce port, jusqu'à ce que j'aie eu une conférence avec vous, espérant que cette mesure ne rencontrera aucune opposition de votre part, car elle a le caractère d'une pure précaution.

Dieu et liberté.

JUAN JOSE DE LA GARZA.

EMILIO VELASCO, *Oficial Mayor*.

M. le Consul-Général de Sa Majesté Britannique.

*Gouvernement de l'Etat de Tamaulipas,
Tampico, le 1 Novembre, 1860.*

Sous la date d'hier, j'ai dit au Consul de France ce qui suit :

" J'ai reçu hier, à 11 heures du matin," &c.

Et je vous le transcris pour votre intelligence, ce Gouvernement ayant décidé pour l'exécution de la résolution qui précède, que les fonds de la conduite seront déposés dans cette douane ; vous surveillerez l'accomplissement de cette disposition, en gardant en dépôt les fonds dont il s'agit, jusqu'à nouvel ordre.

Recevez, &c.

Dieu et liberté.

JUAN JOSE DE LA GARZA.

EMILIO VELASCO, *Oficial Mayor*.

M. l'Administrateur de la Douane Maritime de ce Port.

*Secrétariat du Ministère de l'Intérieur,
Vera Cruz, le 2 Novembre, 1860.*

AYANT appris après avoir expédié l'ordre suprême que j'ai communiqué à votre Excellence, pour qu'on répartît la part qui doit arriver dans votre place, de la conduite occupée dans l'intérieur, que cette part est sortie du domaine des autorités et des forces Mexicaines, puisqu'elle se trouve au pouvoir de particuliers étrangers, son Excellence M. le Président Constitutionnel intérimaire a bien voulu décider qu'il soit dérogé à l'ordre susmentionné que j'ai communiqué à votre Excellence.

Ce que j'ai l'honneur de faire savoir à votre Excellence, par ordre de son Excellence M. le Président, pour que vous vous absteniez de faire aucune démarche à cet égard.

Je réitère, &c.

Dieu et liberté.

*S.E. le Gouverneur de l'Etat de Tamaulipas,
Tampico.*

EMPARAN.

(Inclosure 4.) — Judge's Decision.

Tampico de Tamaulipas, le 18 Novembre, 1860.

Vu, dans tout son contenu, le dossier formé sur la demande de M. Charles de Saint Charles, Consul de France, d'Espagne, et de Belgique, chargé des intérêts Italiens, et autorisé par ses collègues de Prusse, d'Oldenburg, et de Hambourg, tendante à ce qu'on distribue, au prorata, entre les intéressés, le reste d'une conduite d'argent qui se trouve déposé à la douane maritime de ce port; vu la demande qu'a présentée le dit Consul, la mesure préservatoire qu'a décrétée ce tribunal, à sa requête, et la caution correspondante et préalable de *rato et grato*, de même que les documents qui ont été présentés et tout ce qui résulte de la procédure et qu'il a été convenable d'examiner; considérant :

1. Qu'il est public et notoire qu'au commencement de Septembre dernier, une conduite d'espèces se dirigeait sur cette place, et qu'ayant été détenue dans les environs de la ville de San Luis Potosi, ella a changé de route et a été transportée à Lagos, par disposition de son Excellence M. le Général-en-chef Santos Degollado, fonctionnaire qui a publié un manifeste sur cette affaire.

2. Que, sur la dite conduite, la somme de 1000 dollars a été restituée à M. F. Glennie, Consul de San Luis Potosi, transmise à Mexico, en service spécial, et que la dite somme a été remise au Consulat L. Glennie de San Luis Potosi, le 10 Novembre, après, conduite à Lagos, où elle a été restituée à M. F. Glennie, par ordre de son Excellence M. le Général-en-chef Santos Degollado.

mesure de précaution, sur la demande de M. le Consul de France susnommé.

3. Que peu de jours après, le 4 du courant, ce tribunal a reçu de son Excellence M. le Ministre de la Justice et de l'Instruction Publique, une recommandation par laquelle son Excellence le prévenait que dans les réclamations qui lui seraient soumises sur cette affaire, il administrât prompte, complète, et impartiale justice conformément aux lois.

4. Que, pour ce motif, et en accomplissement de ses attributions, ce tribunal n'a pas vu d'inconvénient à admettre la demande que, le jour suivant, intenta M. le Consul de France susnommé en offrant et présentant la caution voulue pour représenter les sujets intéressés dans la conduite d'espèces.

5. Que, malgré la notification qui fut faite de la dite demande à M. le Consul de Sa Majesté Britannique, F. Glennie, conformément aux prescriptions de la loi, ce dernier ne voulut pas entendre la notification qu'alla lui faire l'huissier (actuário), et qu'il ne fut pas possible de lui laisser la cédula instructive que prescrit le Décret du 22 Novembre, 1855, M. Glennie ayant déclaré que l'autorité du tribunal ne devait pas intervenir dans cette affaire.

6. Que, tant en raison du décorum et de la dignité de son noble ministère que parce que M. le Consul de France a insisté dans sa demande, ce tribunal a dû poursuivre les autres formalités par défaut ("en rebeldia"), en déclarant considérer comme suffisante la salle même du tribunal ("los Estrados"), conformément aux dispositions des Articles I, II, III, du titre 5, livre 11 de la "Novísima Recopilacion."

7. Que M. le Consul de France a demandé que ce qui reste de la conduite soit distribué au prorata, entre tous les intéressés, et qu'il soit nommé, à cet effet, une Commission composée d'individus de diverses nationalités, pour que, en se procurant une collection complète des documents, elle procède à pratiquer l'opération, conformément au capital que chacun des dits intéressés a mis à la conduite.

8. Que la question placée à son véritable point de vue repose sur deux points de fait qui sont pleinement justifiés, puisque la conduite d'espèces a été enlevée aux conducteurs qui l'amenaient à ce port, pour son exportation et que, peu de jours après, la somme qui fait l'objet du litige a été restituée à M. le Consul Anglais, F. Glennie, qui l'a reçue à Lagos et, après son arrivée à San Luis, a apposé une nouvelle marque aux colis qui contenaient l'argent, en faisant disparaître les marques primitives, suivant qu'il l'a avoué lui-même dans une communication qu'il a adressée de Peotillos à M. le Vice-Consul Français à San Luis.

9. Que l'esprit d'association qui se développe chaque jour davan-

tage avec la civilisation moderne, a établi, sans aucun doute, le système de transporter des espèces aux ports au moyen de conductas ; car de cette manière, les commerçants se procurent plus de sécurité, font de plus grandes économies dans les frais, et réalisent cette entreprise à certaines époques déterminées de l'année.

10. Que les commerçants ou propriétaires de l'argent, en célébrant le contrat de louage avec les conducteurs, ont, en leur faveur, la garantie que ces derniers sont responsables de l'argent qu'ils conduisent, à moins que les pertes, les égarements, les dommages, et les avaries proviennent sans qu'ils en aient la faute, de cas fortuit qu'ils n'ont pu éviter, ou d'une violence insurmontable, ou de la nature et des vices propres à la chose même, suivant l'opinion de l'habile jurisconsulte Joaquín Escriche, qui cite les Lois 8 et 26, titre 8, 15^e partida.

11. Que les conducteurs qui transportaient à ce port les valeurs sus-mentionnées se sont trouvés dans un de ces cas, et qu'une partie de ces valeurs ayant été restituée, comme il a été dit antérieurement, il n'est pas juste qu'en profitent uniquement une partie des commerçants qui se sont associés pour former la conducta, d'autant mieux qu'une fois les marques, effacées comme c'est le cas actuel, il est impossible de désigner ou de spécifier le droit des commerçants à des colis déterminés, puisque l'argent, considéré comme un signe de la richesse publique, est marqué avec un même coin et a d'autres traits de ressemblance qui confondent les espèces entre elles.

12. Que la confusion des colis, opérée sous la responsabilité de M. le Consul de Sa Majesté Britannique suivant qu'il l'a manifesté dans la communication dont il est question plus haut, est le meilleur droit qu'aient en leur faveur tous les individus qui ont mis leurs valeurs à la conduite, pour que les tribunaux décident que la distribution de la partie qui a été restituée leur soit distribuée au prorata ; car étant, comme elle l'est, le reste d'une chose commune qui a disparu par une violence insurmontable, et qui ne peut être adjugée partiellement, en particulier, à aucun des propriétaires communs, en raison de ce que la confusion a effacé les signes primitifs de la propriété, le droit commun nous enseigne, que, dans les associations, les bénéfices comme les pertes doivent être répartis proportionnellement, suivant les termes de la Loi 7, titre 10, 5^e partida.

13. Que la question posée en termes aussi clairs et précis, il n'y aura aucune difficulté pour la résoudre conformément aux principes de notre législation, car cette part ou ce reste de la conduite étant une propriété de toutes les personnes qui y avaient un intérêt, il est évident que la distribution doit en être faite au prorata, pour ne favoriser ni léser les droits de personne.

En vue de tout ce qui précède, et des autres allégations et preuves fournies tant par M. le Consul de France que par les Représentants

des autres nations, et attendu que M. le Consul de Sa Majesté Britannique, F. Glennie, n'a rien allégué, par suite de son défaut et de sa contumace, je devais déclarer, comme je déclare, que le reste de la conduite, qui se trouve déposé dans les magasins de la douane maritime, appartient, en commun et au prorata, à tous les individus qui y ont remis leurs valeurs, déterminant, en conséquence, que la distribution des fonds soit faite par l'intermédiaire d'une Commission composée de commerçants de nationalités diverses, Commission qui sera proposée par les intéressés qui résident dans ce port, et qui, à cet effet, fourniront la caution voulue, suivant que l'a demandé M. le Consul de France.

Que cela se fasse savoir, et qu'il soit délivré des témoignages de la présente sentence, pour les adresser officiellement à son Excellence M. le Président Constitutionnel, et à son Excellence M. le Gouverneur de l'Etat, le présent dossier devant, en cas de besoin, être soumis à la révision du supérieur immédiat. Et, par le présent, jugeant définitivement, ainsi l'a statué, ordonné et signé M. le Juge de Première Instance et Intérimaire du district de l'Etat, licencié D. José Maria de Orta y Espadero, devant moi, qui l'ai assisté, en conséquence de la maladie de l'escribano du tribunal.

Je donne foi ;

JOSE MARIA DE ORTA Y ESPADERO.

Devant moi ;

GREGORIO PELAEZ.

Suivent les notifications faites de la sentence qui précède :

1. A M. le Consul de France, Charles de Saint Charles, qui, en représentation de tous les intéressés, a proposé, pour la composition de la Commission de Répartition, MM. Dionisio Camacho, Edouard Claussen, et Victor Garcia, négociants de diverses nationalités, résidant à Tampico.

2. A M. le Promoteur Fiscal.

3. Et en plein tribunal vu le défaut de M. Glennie.

Enfin tous les documents qui précèdent ont été certifiés par l'Escribano Public et de Finances.

JORGE DIAZ.

(Inclosure 5.)—*Mr. Mathew to the Comte de la Londe.*

M. LE CHARGE D'AFFAIRES, *Jalapa, le 18 Novembre, 1860.*

JE suis en droit d'espérer que l'explication que j'ai eu l'honneur de vous donner, avant mon départ de Mexico, à propos de la restitution de l'argent de mes compatriotes, vous a paru claire, puisque je n'ai pas reçu d'autre communication de votre part à ce sujet.

Depuis ce temps j'ai reçu des réclamations de son Excellence l'Ambassadeur de Sa Majesté Catholique dans la supposition que

parmi les sacs (de 2,500 dollars) remis à M. le Consul Glennie, comme mon représentant, par l'officier nommé à cet effet, se trouvaient plusieurs qui portaient les marques de propriétaires Espagnols.

Et quoique je n'ai pas pu reconnaître une valeur légale à ces réclamations, dans les circonstances exceptionnelles de ce cas, je suis tombé d'accord avec son Excellence dans le désir de régler cette désagréable affaire de la manière la plus amicale, de rendre à tous les étrangers intéressés aucuns sacs tenant leurs marques et dont le contenu était *bonâ fide* de leur propriété.

J'apprends que la vérification nécessaire à cet objet aurait été facile, puisque tous les premiers sacs ont été gardés sous le sceau Consulaire à San Luis.

Le Consul *ad interim* de Sa Majesté Britannique à Mexico a dû, d'après mes instructions, porter cet arrangement à votre connaissance; et je ne pense pas, M. le Chargé d'Affaires, qu'on puisse désirer plus, ou qu'on soit en droit de s'attendre à partager les fonds de mes compatriotes, qui leur ont été restitués par la présence et l'énergie de M. le Consul Glennie.

C'est donc avec un vif regret que je me trouve dans le devoir de vous faire savoir que les démarches peu convenantes d'un employé Consulaire de Sa Majesté Impériale ont interrompu les suites de notre arrangement.

L'argent qui m'était restitué fut déposé dans le Consulat de Sa Majesté Britannique à San Luis, et M. le Consul Glennie l'a conduit personnellement à travers quelques dangers, jusqu'à Tampico, ayant eu soin de le mettre dans de nouveaux sacs, marqués du nom de cette Légation, pour plus grande sûreté.

Vous serez, je ne puis douter, Monsieur, justement indigné d'apprendre que ce convoi, sous mon nom et sous la sauvegarde du Consul de Sa Majesté Britannique à Mexico, fut saisi à l'entrée de Tampico par le Gouverneur (Garza) sur la demande avouée de M. de St. Charles, en sa qualité de Consul *ad interim* de Sa Majesté Impériale, et placé dans la Douane Mexicaine.

J'ai l'honneur de vous transmettre ci-jointes les copies de la correspondance qui a eu lieu à la suite, entre MM. St. Charles et Glennie, qui a offert en vain au premier sa parole que l'argent ne serait pas embarqué sans sa pleine connaissance.

L'outrage commis contre cette Légation par la saisie de ce convoi ne peut nullement s'excuser par la publication d'un ordre adressé par le Gouvernement de Vera Cruz au Général Degollado, de rendre l'argent de la conducta qu'il avait si indignement saisie, ou de faire, au moins, une division entre toutes les personnes dépouillées, de ce qui restait, car ce Gouvernement a reconnu que ses instructions à cet effet ne sont pas arrivées à temps, que l'argent avait été dissipé

entre les chefs, et que le restant avait été déjà restitué à cette Légation, et par conséquent a jugé à propos d'expédier un ordre impératif au Général Garza de rendre l'argent dont il s'était saisi, au Consul de Sa Majesté Britannique.

De cette manière l'arrangement proposé aurait été remis en voie d'exécution, mais il paraît que M. St. Charles a trouvé encore une fois le moyen d'y mettre empêchement, en portant plainte, je ne peux concevoir sur quel fondement, au Tribunal du Juge del "Distrito," et aux dernières nouvelles l'argent restait exposé à de grands risques, sous le mandat de ce dernier, à la Douane. Je me persuade, Monsieur, que vous serez d'accord avec moi, que s'il y a des différences d'opinion entre les Légations étrangères, ou des réclamations à faire entre eux, ce n'est pas par des procédés de la nature adoptée par M. St. Charles qu'elles doivent se régler, surtout dans l'état actuel du Mexique, et je me permets en conséquence d'espérer que vous trouverez bien de réprover sa démarche et d'y mettre fin.

Je dois vous observer qu'en attendant, l'argent est exposé à de grands dangers, et que le Gouvernement de Sa Majesté Impériale en deviendrait naturellement responsable, par les actes de ses employés.

Veuillez, &c.

Le Comte de la Londe.

GEORGE B. MATHEW.

(Inclosure B.)—*Captain Aldham, R.N., to Mr. Mathew.*

(Extract.)

Valorous, *off Sacrificios*, December 7, 1860.

I HAVE the honour to acknowledge the receipt of your despatches, two dated the 2nd and one the 1st of December.

In reference to the one desiring me to demand immediately the repayment of a sum of money belonging to British subjects taken from a *condicta*, amounting in the whole to 443,499 dollars 64 reals, as per margin,* I beg leave before communicating on the subject with the Vera Cruz Government to make a few suggestions, not that it is my desire to offer objections to so just a demand, but your opinion on them will be a guidance as to the most efficacious mode of its being complied with.

In the first place, the amount you have named appears to me to be beyond what is required, considering that one-third or thereabouts has been given up to the owners or their agents; considering also the difficulties this Government are labouring under, increased as they are at this present moment by the heavy expenses daily

	<i>Dollars</i>	<i>r.</i>
* Those of Her Majesty's subjects amounted to..	..	428,669 51
Expenses to Tampico	14,830 18
Making a total of	443,499 64

incurred in sustaining an army of 40,000 men, who have now surrounded the city of Mexico with every hope of its falling into their hands, which, should it so happen, the majority of their difficulties would be ameliorated, and they would then have no excuse for not paying the amount with interest.

Again, what is to be done if, on my demanding this sum, and insisting on its payment at once, the authorities reply that they have not so large a sum in their treasury, nor the means of raising it so suddenly, which I am well assured is the unfortunate position of the Government at this moment? I well know that the claims of those merchants whose funds have been seized are just and well founded, and ought to be speedily redressed, but it is a question whether it will not be more injurious, and even injudicious to them, as well as to British interests in general, to overpress this Government at this present crisis, that after having laid our demands before them to grant them a reasonable time to collect the amount required.

In your despatch of the 1st instant there is an allusion to the possibility of the Constitutional Government declaring itself unable to pay the interest even of its debts, and in such a case you know not what course Her Majesty's Government are prepared to take. It is a difficult point. But of this there can be no doubt, that if too great a pressure is applied to enforce these reclamations peremptorily, they will have no alternative but to do so from sheer necessity; the result of which will be a cessation of all payments, the Dunlop Convention disregarded, and British commerce put an end to at this port.

To take possession of the castle or the town would be to annihilate British interests, and throw our commerce into the hands of the Americans, who would give it ingress into the country by the frontier.

Requesting your opinion on the subject, I have, &c.

G. B. Mathew, Esq.

W. C. ALDHAM.

(Inclosure 7.)—*Mr. Mathew to Captain Aldham, R.N.*

(Extract.)

Jalapa, December 9, 1860.

I HAVE the honour to acknowledge your despatch of the 7th, respecting the debt due to Her Majesty's subjects in consequence of the robbery of the conducta by General Degollado, and of the subsequent seizure of the amount restored to Her Majesty's Consul by Governor Garza at Tampico.

I beg at the same time to thank you for the various important suggestions contained in your letter, to which I shall endeavour to give full consideration, well aware as I am of the high motives by which they are prompted.

Correspondence is so impeded in the disorganized state of this country, that I am without news from Tampico since the departure thence of Mr. Glennie. At that moment the British claimants had protested against the action and award of the judge, as also against the payments for legal expenses, and for duties to the Governor, and had refused the amounts tendered them.

It became, therefore, necessary in my reclamations to the Constitutional Government, to ask the entire sum, or such part thereof as may still be due.

With regard to the interest, at the rate of 12 per cent. per annum, I must first observe, that it has become almost a system during this civil war, to seize money in the interior to be repaid in Mexico or in Vera Cruz, by which an enormous rate of exchange is saved. It must also be remembered that the British sufferers will be exposed to a heavier loss than 12 per cent. by the failure of their remittances in England, and that there is but little prospect (I fear possibility) of their immediate repayment.

I think that you will concur with me under these circumstances, in deeming my demand requisite and just.

I am fully conscious of the difficulties under which the Constitutional Government labour, and I give them due credit for having, until these recent acts, abstained from the exactions so constantly perpetrated on foreigners by the Miramon Government.

But if poverty is accepted as an excuse for reparation, it becomes an incentive to outrage.

I draw, too, a broad distinction between the inability of a Government to continue its stipulated payments for the liquidation of its debts, and the alleged impossibility to refund money forcibly seized and plundered.

In such a case, Her Majesty's Government cannot, I apprehend, take into consideration the necessity of maintaining a large army in the field, which Señor Ocampo puts forward.

Indeed, such an excuse only furnishes additional evidence that both parties are intent upon carrying on their civil war with money plundered or exacted from foreigners and from foreign commerce.

The Constitutional Government is in entire possession of the country, with the exception of the capital and Puebla, and has within their power the property of those who are in arms for and upholding their opponents, but they prefer to avail themselves, however unjustifiably, of the resources of foreigners.

Nor can I put out of sight the certainty that other nations will enforce their reclamations, and make sure of the prominent resources if our previous and stronger claims are not provided for.

In this disagreeable and difficult position I see no alternative

but in the forcible occupation of the Custom-Houses of Vera Cruz and Tampico (and, if necessary, of these places), should our just demands be rejected.

I do not perceive any ground for the apprehension that this course would be in any way injurious to British interests or commerce, or to British residents.

In this view, I took the liberty of suggesting to you, before the last packet, the question of applying for additional force to the Admiral on the station.

But at the same time, if thus clearly prepared for the disagreeable necessity of coercion, I entertain a firm conviction that the Constitutional Government will yield our demands, when they perceive that force will otherwise be used.

The offers made by Señor Ocampo prove (if they are honestly founded) that the Vera Cruz Government look to other large sources of revenue besides the import duties, and I am thus strengthened in my opinion that the circumstances of the case and the position of the country render necessary and justify my demand for the assignment of the part of the import duties at Vera Cruz and Tampico, free or hereafter free, from any Convention with foreign Powers, to Commissioners, who, after paying the legal expenses of collection, shall defray the admitted claims of Her Majesty's Government.

Captain Aldham, R.N.

GEORGE B. MATHEW.

No. 13.—Mr. Mathew to Lord J. Russell.—(Rec. Feb. 1, 1861.)

MY LORD,

Jalapa, December 30, 1860.

I HAVE received yesterday, and this day, from Her Majesty's Consul in Mexico, accounts of important occurrences which greatly change the aspect of affairs in this Republic, and offer some hope of its better future condition.

On the 22nd instant, General Miramon, who had marched out with about 8,000 men, to meet the Constitutional forces under Gonzalez, Ortega and Zaragossa, in their advance upon the capital, suffered a complete defeat, and re-entered Mexico accompanied only by Generals Marquez and Cobos, and three or four officers.

At his request, the Spanish and French Ministers had an interview with General Ortega on the following day, in the view, I am informed of obtaining certain terms for his chief leaders and himself, but they failed in their object, and General Miramon and the most obnoxious men of his party fled, or concealed themselves during the night.

On the 25th, General Ortega occupied the city amidst general rejoicings, and Mr. Consul Glennie informs me that the most perfect order prevailed.

The laws of church reform, liberty of the press, and trial by jury, were proclaimed in force and President Juarez and his Government were daily expected.

I am induced to believe that the deplorable civil war waged by the clergy and their portion of the army against the principles of civil and religious liberty for the last 3 years is thus terminated; for although General Miramon, Marquez, and one or two others—still, unfortunately for the interests of humanity, at liberty—may carry on for a time a guerilla warfare, their atrocities have armed all men against them, and the want of resources from the church must preclude their gaining any ground.

But though I, therefore, conceive the main points on which alone the nationality of Mexico can be maintained are for the present secured, I am far from indulging in the belief of any certainty for the future, and cannot but entertain, indeed, great doubt as to the possibility of forming, without at least the weight of moral support from some foreign nation, any stable Government in Mexico.

Under the decree of Señor Juarez, given at Vera Cruz on the 6th of November last, calling a Congress under the Electoral Law of 1857, the members will be elected throughout the country, and a President of the Republic be named in the month of January, and Congress will assemble in the capital on the 19th of February.

The prominent candidates for the Presidency are Messrs. Lerdo, Ortega, Degollado, and Comonfort.

Upon the action of this Congress, and upon their mode of reforming the Constitution of 1857, the future of Mexico depends; but the difficulties in the way of any permanent peace are evidently great.

The number of restless spirits the civil war has called forth, the general disorganization and demoralization consequent on its atrocious character and on its duration, and the deplorable financial position of an exhausted nation, embarrassed further, as it will be, by immense foreign reclamations, the greater portion of which have arisen (and probably with design as a source of future trouble) from the acts of the church party, will place the new Government in circumstances of great difficulty and peril.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

No. 14.—Lord J. Russell to Mr. Mathew.

SIR,

Foreign Office, February 1, 1861.

I HAVE received your despatch of the 30th of December, reporting that the Liberal leaders, after completely routing General Miramon, had established themselves in the capital.

I had already informed you, in my despatch of the 12th ultimo, of the conditions upon which Her Majesty's Government, while still in ignorance of the result of the campaign, were prepared to acknowledge the Government of which Señor Juarez is the head. That Government would seem, by force of arms, to have made good its title to be recognized as the legitimate Government of the Republic; and Her Majesty's Government are disposed, subject to the acquiescence of that Government in the conditions specified in my above-mentioned despatch, to give to it the moral support of Great Britain: but British subjects have sustained grievous wrongs at the hands of Mexico; and however friendly may be the disposition of the British Government towards that Republic, they cannot forego the many just claims of British subjects to redress for those wrongs.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 15.—*Lord J. Russell to Mr. Mathew.*

SIR,

Foreign Office, February 5, 1861.

HER Majesty's Government approve the terms, as reported in your despatch of the 25th of December last, upon which Captain Aldham has arranged with the authorities at Vera Cruz that the latter shall resume payment of the assignments on account of the bondholders and the British Convention.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 16.—*Lord J. Russell to Mr. Mathew.*

SIR,

Foreign Office, February 7, 1861.

I HAVE received your despatch of the 25th of December last, respecting the fate of the 400,000 dollars made over to Mr. Consul Glennie by General Degollado, as representing the amount of British property involved in the seizure by that General of a conducta of specie on its way to the coast.

The circumstances of the case appear to be that, on hearing of the seizure of the conducta, you despatched Consul Glennie to General Degollado with instructions to endeavour to effect the release of the whole of the money of which it was composed, and in which the merchants of other countries as well as of England had an interest; that Consul Glennie having failed in inducing General Degollado to abandon the whole of his booty, succeeded, nevertheless, in obtaining from him the estimated amount of the British interests, namely, 400,000 dollars, with which Mr. Glennie proceeded in safety to Tampico. On its arrival at that place, however, the money was attached by order of the Constitutional authorities on the ground that other foreigners had an interest therein; and when this attachment was removed a judicial sentence was

obtained at the instigation of a foreign Consular officer, in virtue of which the money was made over to a Committee of merchants for ratable distribution among the foreigners generally who had suffered by the pillage of the conducta.

Her Majesty's Government had been prepared to contend that under the circumstances which attended the cession of the 400,000 dollars to Consul Glennie, the exclusive appropriation of that sum for the satisfaction of British losses was a matter of unquestionable right. But as the case now stands any discussion on that point would be unavailing; and Her Majesty's Government must fall back on their original right to obtain full satisfaction from the authorities by whom General Degollado was employed, for a grievous robbery committed by that General on British property. Her Majesty's Government leave to other Powers to obtain payment as they may deem fit: but Her Majesty's Government will enforce from the Government of Señor Juarez, as they are fully entitled to do, complete compensation for British losses on this occasion, which seem to amount to somewhat more than 400,000 dollars.

Against the sum to be now claimed on British account there must, of course, be set so much as was appropriated to British subjects out of the 400,000 dollars; but you will at once apply to the Government of General Juarez to make an early settlement in regard to the balance due to British subjects; and you may say that, however reluctant we may be to press the new Government of Mexico, at the moment of its installation, for an immediate settlement of all outstanding British claims, the present claim is one for which the Government of Mexico, for the time being, is so clearly and directly answerable that Her Majesty's Government must insist on its being provided for without delay.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 17.—Lord J. Russell to Mr. Mathew.

(Extract.)

Foreign Office, February 7, 1861.

As regards the plunder of 660,000 dollars of British property, deposited for safe-keeping in the house which you occupied up to the time of your departure from Mexico, I have to refer you to my despatch of the 12th of January, and to instruct you to make it clear to whatever Government may hold authority in Mexico when this despatch reaches you, that Her Majesty's Government will require from the Republic of Mexico, whoever may be its rulers, full and early repayment of the money so violently seized by the constitutional authorities in the capital at the time of seizure.

G. B. Mathew, Esq.

J. RUSSELL.

No. 18.—*Lord J. Russell to Mr. Mathew.*

SIR,

Foreign Office, February 7, 1861.

HER Majesty's Government would fain hope that the overthrow of the Government of General Miramon will be followed by the establishment in Mexico of a Government able to maintain order in the country, and willing to fulfil its international engagements.

Her Majesty's Government have long urged on successive Governments of Mexico the claims of Her Majesty's subjects for wrongs and outrages committed on their persons and property; and Her Majesty's Government must hold the ruling Government of the country, from whatever party it may be drawn, fully responsible for the redress which is due to British subjects.

I have therefore to instruct you to present to the Mexican Government which shall be installed when this despatch reaches you, a full statement of British claims, and to require that measures be taken at the earliest moment for their settlement.

You will send home a copy of such statement.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 19.—*Mr. Mathew to Lord J. Russell.*—(Rec. February 28.)

(Extract.)

Jalapa, January 28, 1861.

I AM sorry to say that the restoration of the Constitutional Government in the capital has been attended by a violent and impulsive act in the delivery of passports to the Ambassador of Her Catholic Majesty, the Pope's Nuncio, the Minister of Guatemala, and the Chargé d'Affaires of Equator.

I have the honour to inclose copies and translations of the correspondence between Señor Ocampo and these gentlemen, who, with the exception of the last named, have, I understand, arrived at Vera Cruz.

It is very generally rumoured that an offer was made subsequently to withdraw the order of expulsion, but that it was rejected.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure.)—*Correspondence between Señor Ocampo and MM. Pacheco, Del Barrio, and Pastor.*

Secrétairerie d'Etat, Ministère des Affaires Etrangères,

(Traduction.) *Mexico, le 12 Janvier, 1861.*

SON Excellence M. le Président Intérimaire Constitutionnel ne peut voir en vous qu'un ennemi de son Gouvernement, à cause des efforts que vous avez faits en faveur des usurpateurs rebelles qui ont occupé cette ville pendant ces 3 dernières années. Son Excellence ordonne, en conséquence, que vous quittiez cette ville et la Répub-

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lique dans le délai strictement nécessaire pour préparer et effectuer votre voyage.

Son Excellence M. le Président respecte et estime l'Espagne autant que les autres nations amies, mais vous ne devez pas, comme individu, continuer à résider dans la République. C'est donc par des considérations qui vous touchent personnellement que M. le Président s'est décidé à prendre cette résolution.

Dieu et liberté.

M. Francisco Pacheco.

OCAMPO.

*Secrétairerie d'Etat, Ministère des Affaires Etrangères,
Mexico, le 12 Janvier, 1861.*

Il ne convient d'aucune façon au Gouvernement Constitutionnel de la République que vous y restiez après les sacrifices qu'a coûtés à ce Gouvernement l'établissement de l'ordre légal, après qu'il a été versé tant de sang dans ce pays, et cela par la part scandaleuse que le clergé a prise dans la guerre civile. Aujourd'hui que l'ordre constitutionnel est rétabli, son Excellence M. le Président vous fait savoir que vous devrez sortir de la République dans le délai strictement nécessaire pour faire vos préparatifs de voyage.

Dieu et liberté.

M. Luis Olomendi.

OCAMPO.

*Secrétairerie d'Etat, Ministère des Affaires Etrangères,
Mexico, le 12 Janvier, 1861.*

Son Excellence M. le Président intérimaire ne peut voir en vous qu'un ennemi de son Gouvernement, à cause des efforts que vous avez faits en faveur des usurpateurs rebelles qui ont occupé cette ville pendant ces 8 dernières années. Son Excellence ordonne, en conséquence, que vous quittiez cette ville et la République dans le délai strictement nécessaire pour préparer et effectuer votre voyage.

Son Excellence M. le Président respecte et estime la République de Guatemala autant que les autres nations amies ; mais vous ne devez pas, comme individu, continuer à résider dans la République. C'est donc par des considérations qui vous touchent personnellement que M. le Président s'est décidé à prendre cette résolution.

Dieu et liberté.

M. Felipe Neri del Barrio.

OCAMPO.

Secrétairerie d'Etat, Ministère des Affaires Etrangères.

Son Excellence M. le Président intérimaire Constitutionnel se voit avec peine dans la nécessité de vous considérer comme un des ennemis de son Gouvernement, à cause des efforts que vous avez faits

en faveur des rebelles qui ont occupé cette ville durant ces 3 dernières années. En conséquence, son Excellence vous accorde pour sortir de cette ville et de la République le délai strictement nécessaire pour vos préparatifs de départ et votre voyage.

Son Excellence M. le Président respecte et estime la République de l'Equador à l'égal de toutes les nations amies ; mais vous ne devez pas, comme individu, continuer à résider au Mexique.

C'est donc par des considérations qui vous touchent personnellement que son Excellence M. le Président s'est décidé à prendre cette résolution.

M. Francisco de P. Pastor.

OCAMPO.

*Ambassade d'Espagne au Mexique,
Mexico, le 13 Janvier, 1861.*

Le Soussigné, Ambassadeur de Sa Majesté Catholique, a reçu la communication à lui adressée personnellement, et encore sous un nom inexactement écrit, en date d'hier, par son Excellence M. de Ocampo, Ministre par interim des Affaires Etrangères. Le Soussigné ne se propose pas de discuter cette singulière communication. Il se contentera de dire à M. Ocampo que n'étant pas venu au Mexique comme simple particulier, mais seulement comme Ambassadeur de la Reine d'Espagne, ainsi qu'il est constaté dans les archives du Palais, toute note officielle à lui adressée personnellement ne saurait avoir d'autre caractère que celui d'une note adressée à l'Ambassadeur de la Reine d'Espagne. Il lui reste à dire qu'il partira de Mexico et sortira du territoire de la République avec tout le personnel de l'Ambassade, dans le délai strictement nécessaire pour faire les préparatifs d'un voyage de 2,000 lieues.

Le Soussigné fait également savoir à son Excellence M. le Ministre des Affaires Etrangères qu'en quittant ce pays il laisse les archives et les sujets de Sa Majesté Catholique sous la garantie du droit des gens et sous la protection de son Excellence M. le Ministre de Sa Majesté l'Empereur des Français.

Enfin, le Soussigné ne peut faire moins que de demander à M. le Ministre s'il lui sera accordé une escorte, rendue nécessaire pour sa sécurité et celle des personnes qui l'accompagnent par le triste état des chemins.

S.E. M. Ocampo.

JOAQUIN FRANCISCO PACHECO.

*Légation de Guatemala au Mexique,
Mexico, le 13 Janvier, 1861.*

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Guatemala, a reçu la communication, en date d'hier, que lui a adressée son Excellence M. Melchor Ocampo, qui remplit par interim les fonctions de Ministre des Affaires

Etrangères, ainsi que le Soussigné l'a appris par les feuilles publiques, car il n'avait aucune connaissance officielle de cette nomination.

Cependant, le Soussigné, par un sentiment de dignité pour le Gouvernement qu'il représente et pour lui-même, s'abstiendra de toute discussion sur le contenu de cette communication, et fera en sorte de ne demeurer dans cette capitale que le temps strictement nécessaire pour faire ses préparatifs de départ. Il regrette seulement que les longues années qu'il a résidé dans ce pays l'empêchent d'en sortir aussi promptement qu'il le voudrait.

Le Soussigné fera connaître à M. Ocampo le jour de son départ, pour le cas où son Gouvernement jugerait convenable de lui accorder une escorte, rendue indispensable par l'insécurité des routes.

S.E. M. Melchor Ocampo.

F. N. DEL. BARRIO.

Légation de l'Ecuador au Mexique,

Mexico, le 15 Janvier, 1861.

Le Soussigné, Chargé d'Affaires de la République de l'Ecuador, a reçu aujourd'hui à 3 heures de l'après midi, la communication que son Excellence M. Melchor Ocampo, Ministre des Affaires Etrangères, lui a adressée à la date du 12 du courant, en son nom personnel seulement, par laquelle il lui fait savoir que son Excellence M. le Président est très peiné de ne pouvoir considérer le Soussigné que comme un ennemi de son Gouvernement, en raison de l'appui qu'il a donné aux rebelles qui ont occupé la capitale pendant ces 8 dernières années, et qu'en conséquence il enjoint au Soussigné de sortir de cette ville et de la République dans le délai strictement nécessaire pour ses préparatifs de départ et son voyage.

Cependant M. le Ministre dit au Soussigné qu'il respecte et estime la République de l'Ecuador de même que toutes les nations amies; mais que le Soussigné ne peut continuer à résider dans ce pays et que ce sont des considérations personnelles au Soussigné qui décident son Excellence M. le Président à prendre cette détermination.

Le Soussigné depuis qu'il fut reconnu par le Gouvernement Mexicain comme Chargé d'Affaires de l'Ecuador, est resté dans le pays comme représentant d'une République sœur et amie; c'est comme tel, et en aucune autre qualité, qu'il a reçu et qu'il recevra jusqu'à ce qu'il sort de la République toute communication qui lui serait adressée par le Ministre des Affaires Etrangères au nom du Chef Suprême de la nation.

Le Soussigné sortira avec toute sa famille de la capitale de la République, dans le délai strictement nécessaire pour faire les préparatifs du voyage qu'il va entreprendre avec une famille nombreuse; mais avant de partir, il ne peut laisser passer sous silence l'impu-

tation gratuite que M. le Ministre lui adresse de s'être ingéré dans les affaires du pays ; car ni les instructions expresses et péremptoires de son Gouvernement ni ses opinions personnelles, bien connues à Mexico, ne lui permettent d'y prendre part. Il n'a fait rien autre que garder la plus stricte neutralité et suivre la ligne de conduite tracée aux représentants étrangers dans les cas de guerre civile.

Comme le silence du Soussigné à l'égard de cette accusation pourrait être interprété comme la confession tacite de son exactitude, le Soussigné se voit dans la nécessité de la repousser de la manière la plus formelle.

Le Soussigné désire savoir si le Gouvernement de M. le Ministre est disposé à lui fournir l'escorte nécessaire pour sa sécurité et celle de sa famille, à cause du mauvais état des routes.

S.E. M. Melchor Ocampo.

FRANCISCO DE P. PASTOR.

No. 20.—Mr. Mathew to Lord J. Russell.—(Received February 28.)

MY LORD,

Jalapa, January 29, 1861.

I AM sorry to say that owing probably to the change in the position of affairs here I am unable to report to your Lordship the final settlement of the claim for above 400,000 dollars, seized in the conducta at Lagos, and subsequently by Governor Garza at Tampico.

It has been the subject of a lengthened correspondence, and having received from Captain Aldham the copy of a very unsatisfactory note written to him by Señor Ocampo, previous to the departure of his Government from Vera Cruz, I thought it best and most consonant with your Lordship's instructions to address a peremptory demand to the Government on their arrival in the capital, of which I have the honour to inclose a copy.

I rejected the proposed general mode of settlement, under a decree of which I transmit a translated copy, as being indefinite as to time, and unsuitable, therefore, to so exceptional a case ; and I have demanded payment with interest at the rate of 12 per cent. per annum, within 65 days, as well as an apology for General Garza's act, and the reprimand of that functionary if he acted without orders, which I much doubt.

I have as yet only received a communication begging me to grant time in consequence of the change of Ministers, and of the absence of papers in Vera Cruz, but I trust to be enabled to settle the matter without the necessity of placing it in the hands of Her Majesty's Naval Commissioner in the gulf.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—*Mr. Mathew to Señor Ocampo.*

Jalapa, January 12, 1861.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received from Captain Aldham, senior officer of Her Majesty's naval forces at Sacrificios, the copy of a note addressed to him by his Excellency Don M. Ocampo, Minister for Foreign Affairs of the Constitutional Government of Mexico, with regard to the money seized by Governor Garza at Tampico.

Señor Ocampo, having since accompanied his Government to the capital, the Undersigned does himself the honour of addressing him directly on the subject, as being one of the most pressing importance.

The Undersigned cannot conceal from himself (and he states it with unfeigned regret) that his Government must draw from the tone of Señor Ocampo's note, as well as from the entire occurrence of which it treats, an unwelcome evidence of a marked unfriendly feeling on the part of the Constitutional Government, as at present formed, towards Great Britain, whose forbearance and goodwill, on the other hand, have been so constantly shown towards the Republic of Mexico. His Excellency has thought proper to enter into a lengthened detail in his note of circumstances which are wholly alien to the question at issue, but he is apparently labouring under so much misapprehension that the Undersigned must beg leave to rectify his impression of certain details, and he must first correct an unimportant, and, doubtless, unintentional error, on the part of Captain Aldham, as the Undersigned had no previous knowledge of the change made by Mr. Consul Glennie in the sacks and marks, his "authority" to that gentleman being simply to convey the money restored by letter by General Degollado to the Undersigned (as Her Britannic Majesty's Representative) to Tampico.

Had Señor Ocampo given himself the trouble to read the entire of the published note from Mr. Glennie to M. St. Charles, to which he has alluded, this mistake would have been evident to him, and he would, the Undersigned feels assured, have rendered greater justice to the act and motives of an English functionary.

During Mr. Glennie's journey to Tampico the Undersigned was addressed by the Ambassador of Her Catholic Majesty in the belief that part of the money restored to Mr. Consul Glennie by the officers appointed by General Degollado for the purpose, was in sacks which had belonged, previously to the seizure of the conducta by that officer, to Spaniards, and which he claimed, if such were the case, as their property.

The Undersigned demurred to recognize a legal foundation for this claim, because the money had previously passed from the claimant's possession, not by any act of highway robbery (to which

Señor Ocampo's view would level it, with a precedent of some importance), but by the act of a Government who had avowed their responsibility for it.

Concurring, however, most fully in the desire that the utmost good feeling should be maintained among the foreign residents in Mexico, the Undersigned entered into an agreement with his Excellency Señor Pacheco to restore to all foreigners any money proved to have been their property.

This agreement, the Undersigned has had the pleasure of ascertaining, would have been easily carried into effect, as he was informed by Mr. Glennie that by his directions the original sacks, with their marks, had been carefully preserved under Consular seal at San Luis. It was duly communicated to the Comte de la Londe, Chargé d'Affaires of France, the only other foreign Minister interested then in the capital, but was not made known to The United States' Minister at Vera Cruz, in consequence of the ignorance of the Undersigned of the trifling claim held by citizens of The United States.

Señor Ballesteros was sent to Tampico by his Excellency Señor Pacheco to carry out the arrangement, and the Undersigned issued the necessary instructions to Mr. E. Giffard, acting as Her Majesty's Consul at that port.

Having thus put his Excellency Señor Ocampo in possession of the correct state of the matters to which he has referred in his note, the Undersigned begs to revert to the grave point at issue between Her Majesty's Government and that of Mexico.

It seems scarcely necessary to remark that the Mexican authorities, executive or legal, had nothing to do with any questions that might arise between the foreign Legations with regard to the money handed over as British property to the Undersigned, for this is clearly avowed by the order addressed by that Government on the 2nd of November to General Garza.

In consequence of the urgent representations of the Undersigned, General Degollado was induced, in the exercise of his authority as the Representative of the Constitutional Government in the interior, to make over to him the supposed approximate amount of British property in the conducta, the seizure and appropriation of which that General had so wrongfully sanctioned.

The money was received on behalf of the Undersigned by Her Majesty's Consul in Mexico, who had perforce discharged his communications to General Degollado; and the money, received by him, for greater security, in new sacks with the seal of Her Majesty's Legation, was conveyed under his orders to the Undersigned at Tampico.

At the entrance of that town it was arbitrarily taken possession of by Governor Garza, notwithstanding the reclamations of the Consul in charge, who, in his protest of the 2nd of November, informed him that he had, in obedience to his instructions, brought the money to Tampico, "with the intention and sole purpose of depositing the same in Her Britannic Majesty's Consulate, subject always to such arrangements as Her Majesty's Representative might deem it expedient to make in respect thereto;" and declared the Constitutional Government responsible for the seizure made.

The money thus taken from Mr. Glennie by the commission of an outrage towards Her Majesty's Government, secondary only to that so recently perpetrated in Mexico, was never restored, although some days afterwards Governor Garza transmitted to Consul Glennie the copy of an order he had received from his Government, dated November 2, revoking some previous instructions with respect to this money, on the avowed ground that the Government had since found that it "had gone out of the jurisdiction of the authorities and forces of Mexico," thus distinctly recognizing the validity of the act of restitution of General Degollado. Governor Garza added, that he had given orders that the money he had seized should be restored on demand to Her Majesty's Consul; but it appeared on that functionary's immediate application, that, without ever being replaced in his possession, and while indeed still in that of General Garza, a detainer had been lodged against its removal by the order of the federal judge of the district.

Common report in Tampico not unnaturally asserted that one mode having thus failed to appropriate the money, which no legal evidence proved to have ever belonged to the first conducta, another plan was adopted, little less unworthy, by the connivance of the local authorities.

The Undersigned does not conceive it necessary for him to enter upon the question of the jurisdiction or of the legal course of the Federal Judge; it is a matter for the consideration of the Federal Government, whose credit would be affected by incapacity or misconduct on the part of their judges.

His sentence, he will merely observe, carries an inexplicable misstatement on the face of it with regard to the sacks and marks, and his jurisdiction has been declared illegal by an eminent lawyer, whose opinion the Undersigned incloses.

By the foregoing brief statement of facts, his Excellency Señor Ocampo will perceive that the injury and the injustice done to Her Majesty's subjects by the appropriation of the conducta by General Degollado, have been aggravated by the outrage committed by Governor Garza at Tampico; and the Undersigned cannot but

express his hope in the high sense of justice of the Constitutional Government, that they will freely admit the pre-eminent and exceptional claim to redress which this act has created.

The Undersigned feels it his duty frankly to state that his instructions from his Government are distinct and peremptory, precluding further reference to them, and while he willingly gives due credit to his Excellency President Juarez, and the Constitutional Government, for the spontaneous Decree for the payment of claims, inclosed by Señor Ocampo, he is unable to accept the terms proposed by that Decree, with no assignment of a definitive time for the repayment of the loss incurred by Her Majesty's subjects on this occasion.

The utmost that the Undersigned can venture to take upon himself to do, in view of the declaration made by his Excellency Señor Ocampo of the actual impossibility of immediate repayment by his Government, is :

1. To accept the pledge of the Constitutional Government of Mexico to repay within 65 days of the receipt of this note, the amount that may be still due to Her Majesty's subjects from the money taken from them by General Degollado, with interest at the rate of 12 per cent. per annum.

2. To accept a diplomatic apology for the outrage committed by Governor Garza, who shall further be reprimanded if he did not act under the first instructions of his Government.

To this proposal the Undersigned must request an early and definitive acceptance or refusal.

And he begs leave to avail, &c.

Señor Ocampo.

GEORGE B. MATHEW.

(Inclosure 2.)—Decree relative to the payment of Claims arising out of the Civil War.

Vera Cruz, le 17 Décembre, 1860.

LE citoyen Benito Juarez, Président Intérimaire Constitutionnel des Etats-Unis Mexicains, à tous leurs habitants faisons savoir, qu'en vertu des amplies facultés dont je me trouve investi, j'ai cru devoir décréter :

ART. I. Est établi, comme fonds spécial, pour le paiement des réclamations que, conformément à la présente loi, devra satisfaire le Gouvernement en raison des occupations et dommages causés par la guerre actuelle :

1. Le produit total de la vente des édifices dont parle le Décret du 24 Octobre de la présente année, et des autres d'usages public qui sont entrés ou entreront dans le domaine de la nation, en vertu des préceptes de la loi du 12 Juillet, 1859.

2. Le 15 pour cent de ce qui entrera, en argent effectif, dans les caisses du Gouvernement Fédéral, pour rédemptions de capitaux nationaux.

3. Le 50 pour cent des droits d'importation qui restent libres au Gouvernement dans le port de Tampico.

4. La part qu'il sera possible, des droits d'importation qui restent libres au Gouvernement, dans la Douane de Vera Cruz, si, une fois déterminés le montant des réclamations qui devront être satisfaites, et la somme à laquelle s'élève le fonds destiné à leur paiement, il résulte que ce dernier se fait avec trop de lenteur.

II. Pour l'examen et la qualification des réclamations qui seront adressées au Gouvernement, il sera établi une junta de 8 personnes, dont les attributions seront les suivantes :

1. Examiner les réclamations qui sont adressées au Gouvernement; dans ce but, elle pourra apprécier la légalité des documents qui lui seront présentés, exiger des informations de toutes les autorités et administrations publiques, et faire comparaître les personnes pour éclaircir les faits et provoquer les preuves contradictoires, chaque fois qu'elle le jugera nécessaire.

2. Donner des informations au Gouvernement, dans chaque cas de réclamation, sur sa valeur, et proposer également la somme qui devra être payée conformément aux préceptes légaux.

3. Administrer les fonds des réclamations et veiller à ce qu'y entrent scrupuleusement les sommes qui doivent le former.

4. Faire le paiement :

(1.) De la somme qui a été occupée par M. le Général Degollado, appartenant à la conduite, et qui est préférable à tout autre paiement, la garantie, pour son remboursement, étant déjà reconnue et signalée, garantie qui, par ces présentes, se confirme et reçoit une plus grande extension.

(2.) Des valeurs en argent ou en effets qui ont facilité la subsistance de l'armée Fédérale et qui seront justifiées avoir été occupées par des chefs dont l'autorité a été reconnue par le Gouvernement Fédéral.

(3.) Des préjudices occasionnés par ordres des mêmes chefs.

III. La junta ne connaîtra pas des réclamations fondées sur des outrages ou des offenses qui emportent des délits de l'ordre commun, ces plaintes devant être portées devant les tribunaux qui statueront, à leur égard, conformément aux lois préexistantes.

IV. Aussitôt que la conduite sera remboursée, la junta distribuera, chaque deux mois, ou à des périodes plus courtes, s'il est possible, et au prorata, entre ceux dont les réclamations seront déjà liquidées et mises en voie de paiement par le Gouvernement, les fonds qui auront été réunis dans les mêmes périodes.

Donné au Palais du Gouvernement Fédéral, dans l'H. Vera Cruz, le 17 Décembre, 1860.

ANTONIO ESCALANTE, *Oficial Mayor*
intérimaire.

BENITO JUAREZ.

No. 21.—*Mr. Mathew to Lord J. Russell.*—(*Received February 28.*)
(Extract.) *Jalapa, January 30, 1861.*

THE occupation of the capital by the Liberal forces, which I had the honour to report to your Lordship by last month's mail, was followed by the complete restoration of the Constitutional Government, under Señor Juárez, as President *ad interim*, until the meeting of Congress, and the election of a Chief Magistrate in the regular mode.

The members of the late self-appointed Government in that city have not been found, with the exception of Señor Díaz. Their army was somewhat prematurely dissolved by proclamation, and the two guerilla bands of Vicario and Megia, which some of the reactionary officers have joined, are the only armed bodies in the Republic by which the public tranquillity is disturbed.

There has not been a single act of bloodshed or of popular vengeance on the part of the successful party; and I cannot but entertain a sanguine hope that if the elections now in progress result in placing the Executive Power in firm and able hands, Mexico may yet recover a position among nations. Señor Lerdo and General Ortega are the most prominent candidates.

I have had the honour to communicate to your Lordship in my despatch of January 28th their impolitic and offensive act in the expulsion of Her Catholic Majesty's Ambassador and other foreign Ministers. There is but one other occurrence worthy of notice.

The publication of the various laws of reform in the capital, and especially the Law of Religious Liberty, and the Civil Marriage Act, of which I annex a copy, has been attended by the most violent opposition on the part of the higher clergy. Upon the promulgation of the last-named law, the Archbishop issued a decree, of which I inclose a copy, in direct opposition to the law; and refusing to withdraw it, he and several of the bishops received orders to leave the country, and, I am informed, have accompanied the Spanish Ambassador to Vera Cruz.

The civil marriage has been in operation in France, The United States, and various other countries, without any similar hostile demonstration, either by His Holiness the Pope or the resident Catholic clergy; and I do not see that in this instance the Government had any other course open but that which they have followed.

I believed that, although the most inflammatory appeals have been made by the Archbishop in the Cathedral of Mexico, and by

others of the clergy, these have failed to create any considerable degree of excitement.

A portion of the public press is clamorous for their trial, and the small Conservative party appears to advocate this course in the hope of thus exciting a reactionary movement, but the people at large evidently take very little interest in their behalf.

The newly-appointed Envoy of The United States, Mr. Weller, has arrived in Mexico from California by way of Acapulco.

The Prussian and French Ministers are also in the capital, but have not as yet recognized the Government.

I have hitherto refrained from returning to Mexico, in the hope of giving, by standing aloof, greater weight to my demands, as stated in my despatch of January 29th; but should these be satisfactorily settled, and Her Majesty's Envoy not arrive by this packet, I shall venture to take upon myself, in the absence of your Lordship's commands, to do so, however personally inconvenient, as I believe that my presence may be of importance in various affairs pending, and may be of use to the British mercantile community, who urgently request it.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—*Decree of President Juarez in favour of Religious Liberty and various Religious Reforms. (Marriages, &c.)*

Vera Cruz, December 4, 1860.

LE C. Benito Juarez, Président intérimaire constitutionnel des Etats-Unis Mexicains, à tous leurs habitants faisons savoir: Qu'en vertu des amples facultés dont je me trouve investi, j'ai cru devoir décréter ce qui suit:

ART. I. Les lois protègent l'exercice du culte Catholique et des autres cultes qui s'établiront dans le pays, comme l'expression et le résultat de la liberté religieuse qui, droit naturel de l'homme, n'a et ne peut avoir d'autres limites que les droits des tiers et les exigences de l'ordre public. Dans tout autre cas, l'indépendance entre l'Etat, d'une part, et les croyances et les pratiques religieuses, d'autre part, est et sera parfaite et inviolable. Pour l'application de ces principes, on observera ce qui est déclaré et déterminé par les lois de réforme et par le présent Décret.

II. Une église ou Société religieuse se forme des hommes qui ont volontairement désiré en devenir les membres, en manifestant cette résolution par eux-mêmes ou par le moyen de leurs parents (padres) ou des tuteurs desquels ils dépendent.

III. Chacune de ces Sociétés a la liberté de régler, par elle ou par le moyen de ses prêtres, les croyances et les pratiques du culte qu'elle professe, et de fixer les conditions dans lesquelles elle admettra les hommes dans son sein, ou les en séparer, pourvu que, par ces

dispositions, comme par l'application qui en sera faite aux cas particuliers qui pourront se présenter, on ne commette aucune faute ni aucun délit que prohibent les lois ; dans ce dernier cas, ces lois seront strictement appliquées dans leur prescriptions.

IV. L'autorité de ces Sociétés religieuses et de leurs prêtres sera purement et absolument spirituelle, sans aucune coaction d'autre sorte, qu'elle s'exerce sur les hommes fidèles aux doctrines, aux conseils et aux préceptes d'un culte, ou sur ceux qui, après avoir accepté ces choses, changeraient, ensuite, de manière de voir.

Action populaire est concédée pour accuser et dénoncer les infracteurs du présent Article.

V. Dans l'ordre civil, il n'y a d'obligation, de peines ni de coaction d'aucune espèce en ce qui touche aux questions, fautes, et délits purement religieux ; en conséquence ne pourra avoir lieu, même à la requête d'aucune église ou de ses directeurs, aucun procédé judiciaire ou administratif pour cause d'apostasie, de schisme, d'hérésie, de simonie ou tout autre délit ecclésiastique. Mais si à ces causes se joignait quelque-une des fautes ou quelque'un des délits compris dans les lois qui sont actuellement en force et vigueur, et auxquelles il n'est pas dérogé par le présent Decret, l'autorité publique compétente connaîtra du cas et prononcera sans prendre en considération ni sa qualité ni son importance dans l'ordre religieux. Ce même principe sera observé lorsque les fautes et les délits indiqués résulteront d'un acte qui sera jugé propre à un culte quelconque et autorisé par lui. En conséquence, la manifestation des idées sur les points religieux, et la publication des bulles, brevets, rescrits, lettres pastorales, mandements et tous écrits traitant également des mêmes matières, sont des choses dans lesquelles on jouira de pleine liberté, à moins que par elles on n'attaque l'ordre, la paix, ou la morale publique, ou la vie privée, ou, de toute autre manière, les droits des tiers, ou bien qu'on provoque à quelque crime ou délit ; car, dans tous ces cas, abstraction faite du point religieux, on appliquera irrémissiblement les lois qui prohibent de tels abus, en se conformant aux prescriptions de l'Article XXIII.

VI. Dans l'économie intérieure des temples et dans l'administration des biens dont les lois permettant l'acquisition aux Sociétés religieuses, ces dernières auront, en ce qui touche à l'ordre civil, toutes les mêmes facultés, les mêmes droits et les mêmes obligations que toute association légitimement établie.

VII. Sont abrogés les recours de force ("recursos de fuerza"). Si quelque église ou ses directeurs exerçaient un acte particulier de la puissance publique, l'auteur ou les auteurs de cet attentat souffriraient respectivement les peines que les lois imposent à ceux qui les commettent en corps ou séparément.

VIII. Cesse le droit d'asile dans les temples ; on pourra et l'on

devra employer la force qui sera jugée nécessaire pour y prendre et en extraire les coupables déclarés ou présumés, conformément aux lois, sans que l'autorité ecclésiastique puisse avoir d'intervention dans cette qualification.

IX. Le serment et ses rétractations ne sont pas dans les attributions des lois. Tous les droits, obligations, et peines légales sont déclarés valides et consistants, sans avoir besoin de considérer, parfois, le serment comme ayant connexité avec les actes de l'ordre civil. Cesse, par conséquent, l'obligation légale de jurer l'obéissance à la Constitution, le bon accomplissement des charges publiques et de diverses professions, avant de les exercer. Cesse de la même manière l'obligation légale de jurer certaines manifestations déterminées devant les agents du fisc, et les confessions, témoignages, rapports d'experts, ou toute autre déclaration ou affirmation qui se fasse au dedans ou en dehors des tribunaux. Dans tous ces cas, dans tout autre où les lois exigeaient le serment, ce dernier sera remplacé désormais par la promesse explicite de dire la vérité dans ce qu'on déclarera, ou de remplir bien et fidèlement les obligations que l'on contractera ; et l'omission, le refus, ou la violation de cette promesse causeront, dans l'ordre légal, les mêmes effets que s'il s'agissait, suivant les lois préexistantes, du serment omis, refusé, ou violé.

Dans l'avenir, le serment ne produira aucun effet légal dans les contrats qui seront célébrés ; et jamais, en vertu de ce serment ou de la promesse qui la remplacera, on ne pourra confirmer une des obligations qui, auparavant, avaient besoin d'être jurées pour acquérir force et consistance.

X. Celui qui dans un temple, outragera ou tournera en ridicule par paroles, ou de toute autre manière manifestée par des actes extérieures, les croyances, pratiques, ou autres objets du culte auquel cet édifice sera destiné, souffrira, suivant les cas, la peine de la prison ou de l'exil, dont le maximum sera de 3 mois. Lorsque, dans un temple, on fera une injure, ou l'on commettra quelque autre délit emportant violence ou acte deshonnête ("deshonestidad"), la peine des coupables sera moitié plus forte que celle dont les lois frappent le délit dont il s'agit, en le considérant comme commis dans un lieu public et fréquenté. Mais cette augmentation de peine s'appliquera de telle façon qu'elle ne produise, au temporel, ni prison, ni déportation, ni travaux forcés pour plus de 10 années.

L'ancien droit sur le sacrilège est refondu dans les présentes dispositions, et les autres délits auxquels on donnait ce nom seront soumis à ce que prescrivent les lois dans des cas identiques, abstraction faite de la circonstance purement religieuse.

IX. Aucun acte solennel religieux ne pourra avoir lieu, hors des temples, sans permis écrit, concédé, pour chaque cas, par l'autorité

politique locale, suivant les réglemens et les ordres que les Gouverneurs du District et des Etats expédieront en se conformant aux bases qui sont exprimées ci-après :

1. La conservation de l'ordre public doit passer avant toute autre considération.

2. Ces permis ne doivent pas être concédés lorsqu'on redoute qu'ils produisent ou facilitent quelque désordre, soit par manque de respect à l'égard des pratiques ou des objets sacrés d'un culte, soit pour des motifs d'autre nature.

3. Si la dite autorité, parcequ'elle n'éprouvait aucune crainte dans ce sens, avait concédé le permis dont il est question, et s'il survenait quelque désordre à l'occasion de l'acte religieux autorisé, on ferait cesser cet acte, et on ne pourrait le permettre à l'avenir, hors des temples. Le manque de respect, dans ces cas, ne sera punissable que lorsqu'il dégénérera en force ou en violence.

XII. Il est défendu d'instituer héritier ou légataire le directeur du testateur, quelle que soit la communion politique à laquelle il aura appartenu.

XIII. Il est également défendu de nommer des quêteurs pour solliciter et recueillir des aumônes avec destination à des objets religieux, sans approbation expresse du Gouvernement respectif, qui la concédera par écrit ou la refusera, suivant qu'il lui paraîtra convenable ; et ceux qui, sans présenter la justification de cette approbation, pratiqueront de pareils actes, seront tenus pour vagabonds et répondront des fraudes qu'ils auront commises.

XIV. Cesse le privilège appelé de compétence, en vertu duquel les ecclésiastiques Catholiques pouvaient retenir, au préjudice de leurs créanciers, une partie de leurs biens. Mais, si au moment d'opérer une saisie pour dette de prêtres à quelque culte qu'ils appartenissent, il n'y avait pas d'autres biens, sur lesquels pût retomber l'exécution, que quelqu'appointement fixe, on pourra seulement saisir cet appointement pour le tiers de son produit périodique. On ne considérera comme soumis au séquestre ni les livres de l'intéressé ni les choses qu'il possédera et appartenant à son ministère, ni les autres biens que les lois, par mesure générale, exceptent de la saisie.

XV. Les clauses testamentaires qui disposeront le paiement de dîmes, d'obventions ou de legs pieux, de quelque nature et dénomination qu'ils soient, seront exécutées uniquement en ce qui ne portera pas préjudice à la côte héréditaire forcée, conformément aux lois, et, dans aucun cas, le paiement ne pourra se faire en biens fonds.

XVI. L'action des lois ne s'exercera pas sur les prestations des fidèles pour soutenir un culte et les prêtres de ce dernier, à moins que ce ne soit lorsqu'elles consisteront en immeubles, ou lorsqu'interviendra la force ou la tromperie pour les exiger ou les accepter.

XVII. Cesse le traitement ("tratamiento") officiel qui avait coutume d'être donné à diverses personnes et corporations ecclésiastiques.

XVIII. L'usage des cloches continuera à être soumis aux règlements de police.

XIX. Les prêtres de tous les cultes seront exemptés de la milice et de tout service personnel coercitif, mais non des contributions ou rémunérations qu'imposeraient les lois pour ces franchises.

XX. L'autorité publique n'interviendra pas dans les rites et pratiques religieuses concernant le mariage. Mais le contrat qui émane de cette union reste exclusivement soumis aux lois. Tout autre mariage qui sera contracté sur le territoire national, sans l'observation des formalités que prescrivent les mêmes lois, est nul et incapable, par conséquent, de produire aucun de ces effets civils que se droit n'attribue qu'au mariage légitime. En dehors de cette peine, il n'en sera imposé aucune autre aux unions désapprouvées par le présent Article, à moins qu'il n'y intervienne la force, l'adultère, l'inceste ou le dol ; car, en pareils cas, on observera ce que prescrivent les lois relativement à ces délits.

XXI. Les Gouverneurs des Etats, du district, ou du territoire, veilleront, sous leur plus étroite responsabilité, à l'exécution des lois rendues relativement aux cimetières et panthéons, et à ce qu'en aucun lieu les cadavres ne manquent d'une sépulture convenable, quelle que soit la décision des prêtres de leurs églises respectives.

XXII. Restent dans toute leur vigueur et dans leur force les lois qui châtent les outrages commis sur les cadavres et leurs tombeaux.

XXIII. Le Ministre d'un culte, qui, dans l'exercice de ses fonctions, ordonnera l'exécution d'un délit ou exhortera à le commettre, souffrira la peine de cette complicité, si le dit délit est consommé. Au cas contraire, les juges prendront en considération les circonstances pour imposer jusqu'à la moitié ou moins de la dite peine, à moins que les lois n'en désignent une autre plus grande.

XXIV. Bien que tous les fonctionnaires publics, en leur qualité d'hommes, jouissent d'une liberté religieuse aussi ample que tous les habitants du pays, ils ne pourront avec leur caractère officiel assister aux actes d'un culte, ou de déférence pour ses prêtres, à quelque hiérarchie qu'appartiennent ces derniers. La troupe formée est comprise dans la prohibition qui précède.

Pourquoi j'ordonne, &c.

Donné au Palais du Gouvernement National, à Vera Cruz, le 4 Décembre, 1860.

Au citoyen Juan Antonio de la Fuente, BENITO JUAREZ.
Ministre de la Justice et de l'Instruction Public.

Vera Cruz, le 4 Décembre, 1860.

Et je le communique à votre Excellence pour son intelligence et son exécution. Dieu et liberté !

S. E. M. le Gouverneur de l'Etat de

FUENTE.

(Inclosure 2.)—*Decree of the Archbishop of Mexico against Civil Marriage Law.*

Vicariat de Queretaro, Mexico, le 29 Décembre, 1860.

A MM. les Vicaires desservants et Curés résidant hors de la capitale.

CONFORMEMENT aux déclarations contenues dans notre lettre pastorale du 5 Août dernier et dans le mandement que d'accord avec Messieurs les Evêques de cette Province Ecclésiastique, nous avons publié le 30 du même mois, les fidèles doivent savoir :—

1. Que ceux qui se marient malgré les empêchements établis par l'Eglise, sans avoir obtenu de dispense de l'autorité ecclésiastique à qui il appartient de l'accorder, contractent un mariage nul, vivent en concubinage, et ne sont pas véritablement mariés, qui que ce soit qui célèbre le mariage.

2. Que de même, le mariage sera nul s'il n'a été célébré devant le curé de la paroisse, en présence de deux témoins ; et

3. Que la déclaration faite devant l'autorité civile que les contractants ont l'intention de s'unir par les liens du mariage, et même la célébration du mariage devant l'autorité civile et en présence de témoins, ne constitue pas un mariage ni un contrat valable. Ceux qui par cette déclaration de leur volonté ou par suite de la célébration du mariage par l'autorité civile vivront maritalement, seront en état de concubinage et non véritablement mariés.

Dans la susdite pastorale du 5 Août de l'année dernière, nous vous avons requis d'instruire les fidèles à cet égard ; et comme la loi sur le mariage civil vient d'être publiée dans cette capitale, nous croyons utile de vous réitérer les mêmes ordres et recommandations.

LAZARO, Archevêque de Mexico.

Mexico, le 31 Décembre, 1860.

En marge: Vicaires desservants de avec ordre d'en envoyer copie dans leurs circonscriptions respectives. Copie certifiée et communiquée par ordre de Sa Sainteté au Vicaire desservant de.....

Le 10 Janvier, 1861.

Vous êtes chargé de l'exécution des présentes.

Dieu vous garde.

Cure de —

M. le Curé et Ecclésiastique de

[1860-61. L]

No. 22.—Lord J. Russell to Mr. Mathew.

SIR, *Foreign Office, March 1, 1861.*

THE mail from Mexico was delivered yesterday evening, and in answer to your despatch of the 30th of January, I have to state to you that Her Majesty's Government entirely approve of your going to Mexico in the case of the general principle of the British claims having been conceded by the Mexican Government.

You will urge with more effect in Mexico than at Jalapa the various claims of British subjects for redress and compensation.

With regard to the measures adopted by the Government, I have to state that it seems to Her Majesty's Government that the proclamation of the law of civil marriage might have been more properly reserved for the Cortes than made the subject of a special exercise of provisional power. On the other hand, the declaration in favour of religious liberty could not be made too soon, and ought to be steadily and impartially sustained. I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 23.—Mr. Mathew to Lord J. Russell.—(Received March 30.)

MY LORD, *Mexico, February 25, 1861.*

I HAD the honour of transmitting to your Lordship in my despatch of the 29th January, a copy of the demands I felt it necessary to make in a more peremptory manner upon the Government of Mexico, for the seizure of the conducta at Lagos, and again at Tampico.

In consequence of further information which I received that my presence, which was urgently required on other grounds, would probably now end this question, I decided on coming to Mexico, and arrived here on the 16th, with Captain Aldham, to whom I proposed to accompany me.

I had every reason to believe that the Government was most desirous to do what was just, but they were evidently surrounded by difficulties, and ill able to carry out their good intentions to the extent they desired.

I was therefore induced to accept from Señor Zarco, the new Minister for Foreign Affairs, a basis for the settlement of the chief matters pending, a copy and translation of which I have the honour to inclose (being ante-dated by mutual consent).

Your Lordship will perceive that the Mexican Government pledges itself—

1. To repay the amount due to Her Majesty's subjects from the seizures of the conducta at Tampico and at Lagos, within 4 calendar months from the 12th instant, at Vera Cruz or Tampico, together with interest at the rate of 12 per cent. per annum; the amount payable being understood to be free of export duty.

2. That the Government apologises for the act of Governor Garza.

3. That (as regards the outrage at Her Majesty's Legation) on the hoisting of the English flag at Her Majesty's Legation, the Mexican banner will be hoisted at the Palace and other public buildings, and will do their utmost to bring the perpetrators of the outrage to justice; and

4. That the Government undertake to repay the 660,000 dollars plundered at the Legation.

I beg leave to inclose a copy of my reply to Señor Zarco, agreeing with this arrangement, and to express my hope that, in the distressed circumstances of the country, your Lordship will think it equitable and fair.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—Señor Zarco to Mr. Mathew.

(Translation.) National Palace, Mexico, February 12, 1861.

THE Undersigned, Minister for Foreign Affairs, received yesterday morning at 11 o'clock, from the hands of Mr. Consul Glennie, copy of a despatch addressed to him on the 8th instant by Her Britannic Majesty's Chargé d'Affaires,* with a view to its being communicated to the Undersigned.

In said despatch, Mr. Mathew demands of the Mexican Government—

1. The repayment at Vera Cruz, within 4 months from yesterday's date, of the sums still due to Her Britannic Majesty's subjects from the conducta which was occupied at Lagos and Tampico, together with interest at the rate of 12 per cent. per annum.

2. A diplomatic apology for the outrage committed at Tampico, and a public reprimand to his Excellency the Governor of the State of Tamaulipas, Don Juan José de la Garza, if he acted without orders from the Government in detaining the conducta.

3. Due honour to be paid to the British flag, when rehoisted at Her Majesty's Legation, in consideration of the insult offered there by the rebels who held the capital last November.

4. A declaration, on the part of the Government of their desire to enter into the most feasible arrangement for the prompt repayment of the amount seized on that occasion, and the expenses consequent thereon.

Mr. Mathew, in conclusion, instructs Mr. Glennie to request that the acceptance or refusal of these propositions be communicated within the peremptory term of 48 hours.

Restricted as this term is, and insulted as the Government and resolution of the weighty matters.

Not received

Britannic Majesty's Chargé d'Affaires, the Undersigned is able to reply without waiting for the expiration of the time fixed ; because, ever since the occupation of the capital of the Republic by the legitimate Government, they have constantly directed their attention towards these very matters as belonging to that class the prompt solution of which affects the maintenance of the friendly relations happily existing between Mexico and Great Britain.

The Undersigned has consequently received his Excellency the President's commands to make known to Mr. Mathew that, with regard to the first point, the Mexican Government agree to repay within the term of 4 months, at the ports of Vera Cruz or Tampico, or in the city of Mexico, should the parties interested wish it, the amount of all moneys still owing on account of the conducta that was stopped at Lagos, including interest at 12 per cent. per annum ; and that, consequently, the wishes of Her Britannic Majesty's Chargé d'Affaires, in favour of British subjects, will be satisfied on this point, it being understood that the amounts which have to be restored are free of export duty.

With regard to the second, this Government does not hesitate to express to that of Her Britannic Majesty its profound regret that the act of Governor Garza, which originated in a misinterpretation of orders, prevented the money being deposited in Her Majesty's Consulate at Tampico, and should have been considered in the light of an outrage, which it was never the intention of that functionary to offer.

With regard to the third, that Her Britannic Majesty's Chargé d'Affaires will be pleased to make known to the Undersigned the day and hour for hoisting the British flag at Her Majesty's Legation, in order that the Mexican flag may be hoisted on the National Palace at the same moment, for the purpose of showing that the Republic altogether condemns the outrage, committed by a rebellious faction ; which, besides usurping the rights of the people, and trampling upon their guarantees, was guilty of an offence, the moral responsibility of which can, in no way, fall upon the Constitutional Government, nor upon the Mexican people, who were, at that very moment, making great efforts to regain possession of the capital, and to restore to natives and foreigners those guarantees which the Constitution ensures to the former, and Treaties and international laws to the latter.

With regard to the fourth, that the Government have already come to the determination to bring the guilty to judgment, having furnished the tribunals with all the data that have been found, and given orders for the embargo of the property of the responsible parties, by which they have shown their determination to ensure prompt administration of justice ; and, moreover, they sincerely

desire that due reparation be made, and are ready to treat of this matter, and to arrange, in a satisfactory manner, conformably to justice and equity, the repayment of the money seized, in case it should not be covered by the property of the responsible parties, in which number neither the nation nor its Government can in any way be comprehended.

This is the answer to Mr. Mathew's despatch, sanctioned by his Excellency the President; and which the Undersigned places in Mr. Glennie's hands before the expiration of 24 hours of the term fixed.

The Undersigned confidently hopes that Mr. Mathew will see in this answer a fresh proof of the sincere desire which animates this Government to maintain friendly relations with that of Her Britannic Majesty, and that they have, above everything, given their attention to the matters in question.

The Mexican Government have in fact done so, in spite of the embarrassing position in which they are placed by having to reorganize every branch of the Administration into which the rebellion introduced disorder and chaos, and left the Treasury exhausted.

The Government, in the name of the nation, disclaims the responsibility of the outrage committed last November by the rebels; the perpetrators of that act, who never constituted the Government, nor had any title to legitimacy, are alone the culprits; but, nevertheless, the Mexican Government, in replying to the third point, offer what the Undersigned has there stated, because they wish to give a solemn proof of the national reprobation of that outrage, and are desirous of manifesting to the whole world their sentiments of benevolence and respect towards friendly nations.

The Undersigned, &c.

G. B. Mathew, Esq.

FRANCISCO ZARCO.

(Inclosure 2.)—*Mr. Mathew to Señor Zarco.*

Mexico, February 19, 1861.

THE Undersigned, &c., has the honour to acknowledge the note of his Excellency Señor Zarco, &c., under date of the 12th instant.

He is not unconscious of the difficulties that surround the Government of his Excellency Señor Zarco, and it will be his duty to lay them fully before Her Majesty's Government.

And he, therefore, accepts the proposals conveyed to him, in full reliance that no circumstances will be suffered to affect the scrupulous realization of the engagements and pledges entered into by the Mexican Government.

The Undersigned, &c.

Señor Zarco.

GEORGE B. MATHEW.

No. 24.—Mr. Mathew to Lord J. Russell.—(Received April 8.)

MY LORD,

Mexico, February 28, 1861.

I HAD the honour of receiving your Lordship's despatch of the 12th January by Mr. Walsham, a few days after my return to this capital.

Your Lordship's instructions to proceed to Vera Cruz, and to tender to President Juarez, upon certain terms, the offer of the recognition of Her Majesty's Government and of the moral support of Great Britain, had become obviously more applicable under the circumstances of the re-establishment of the Constitutional Government, and of the restoration of peace.

I therefore addressed a note to Señor Zarco, the newly-appointed Minister for Foreign Affairs, recapitulating the conditions laid down by your Lordship (most of which, as detailed in my despatch of the 25th instant, I had previously carried out), which your Lordship will find, by the inclosed reply, were readily agreed to.

In a subsequent personal interview, Señor Zarco expressed to me the earnest desire of President Juarez and his Cabinet that I should make this tender recognition at a reception at the palace, similar to that recently attended by the Prussian Minister, upon the ground of the important effect it would have in restoring public confidence, and in neutralising the efforts—mainly based upon false representations of the feeling of foreign Courts—which are notoriously being made to disturb the existing tranquillity.

I was happy to find that Captain Aldham concurred with me in admitting the cogency of this reasoning, and I therefore did not hesitate in taking upon myself to tender, at an official reception, the recognition of Her Majesty's Government to the present Government of Mexico.

I have the honour to transmit herewith a copy of the few remarks which I was induced by the peculiar present circumstances of the country to address to President Juarez, and of his reply.

In accordance with the inclosed communication from Señor Zarco, I availed myself of the occasion to replace Her Majesty's flag on the Legation, upon which the national Mexican colours were displayed at the Palace and other public buildings, as a mark of respect, and of reprobation of the outrage of which the Legation was recently the object.

Your Lordship will have learnt from Señor Zarco's note of the 12th instant, inclosed in my despatch of the 25th instant, that the Mexican Government pledge themselves to repay the sum of 660,000 dollars, of which the bondholders were then plundered. Since this, Mr. Whitehead has been in frequent communication with Señor Prieto, the Minister of Finance, with the view of making satisfactory arrangements for the purpose.

I am convinced of the sincere desire entertained by this Government to meet this, as well as all the numerous just reclamations of Her Majesty's subjects; but the resources of the country have been utterly exhausted by 3 years of civil war, and by the lawless exactions of their adversaries, and their consequent financial distress is extreme. I think, however, that by consenting to capitalise this amount, the bondholders might secure to themselves some important general advantages.

In concluding this despatch, I beg leave to notice briefly some of the remarks of Mr. McGarel, the Deputy Chairman of the bondholders.

I was induced to advise Mr. Whitehead not to send his funds by the last conducta, in consequence of private information that, by the advice of Señor Munoz Ledo and Señor Diaz, it had been arranged that the money should be seized at Puebla, on the pretence, subsequently advanced, that it was still the property of Mexico until actually paid over in London.

With respect to my departure from the capital, so far from that being a sudden or hurried step, I took upon myself to suspend your Lordship's commands for nearly 3 weeks, in the hope of furthering the peace proposals of General Degollado, and repeatedly consulted Mr. Whitehead during that period as to the possibility of any arrangement for giving security to the money.

The real object of General Miramon and his Ministers, who were well aware that their tenure of power was at its close, was to make for themselves, at any risk and by any means, a future provision, and they would not have been deterred by my presence from committing the act of plunder they had resolved upon for that object.

I have, &c.

Lord J. Russell.

GEORGE B. MATHEW.

(Inclosure 1.)—Mr. Mathew to Señor Zarco.

Mexico, February 22, 1861.

THE Undersigned has the honour to inform Señor Don F. Zarco, &c., that he has just received an important despatch from his Government relative to the lawless robbery committed at Her Majesty's Legation in this city, by the Government of General Miramon.

Her Majesty's Government have viewed this infamous act in the light it deserves, and have felt it imperative to adopt such a course as may evince their just reprobation; they have, however, at the same time, to avoid the necessity of any measure which may inflict injury upon the Mexican people, who are the helpless spectators of the outrages committed in this capital.

Her Majesty's Secretary of State has therefore been pleased to authorize him to tender the recognition of Her Majesty's Government of his Excellency President Juarez, as the legal head of the Mexican Republic, together with the moral support of Great Britain, should his Excellency agree with Her Majesty's Government in due reprobation of the act of lawless outrage at Her Majesty's Legation, and be willing to acknowledge the just claims of British subjects for that and for the other acts of spoliation and violence they have suffered.

Her Majesty's Government must further reserve the right of making such equitable demands as may be necessary for the purpose of reparation and redress.

The Undersigned is truly rejoiced in the consciousness that these views of Her Majesty's Government have been already, in all the chief points, fully concurred in by his Excellency President Juarez and his Ministers.

He is therefore justified in the hope that their present exposition will be cordially responded to.

The Undersigned, &c.

Señor Zarco.

GEORGE B. MATHEW.

(*Inclosure 2.*)—*Señor Zarco to Mr. Mathew.*

(Translation.) *National Palace, Mexico, February 23, 1861.*

THE Undersigned, Minister for Foreign Affairs of the Mexican Republic, has the honour to acknowledge the receipt of the note Mr. G. B. Mathew was pleased to address to him yesterday, acquainting him with the contents of a despatch which he had just received from Her Britannic Majesty's Government relative to the insult offered to the English Legation by the faction in this capital headed by Don Miguel Miramon.

The Undersigned has hastened to lay before the President Her Britannic Majesty's *Chargé d'Affaires'* note, and his Excellency deplores and highly disapproves of the outrage in question, is in no way surprised at the impression which it must have made on the Government of Great Britain, and is therefore glad to have anticipated the wish of that Government by condemning, in the name of the nation, the forcible seizure of the funds which were under the seal of the Legation, and to have decreed the trial of the guilty and the sequestration of their property, in order to render their responsibility effective; and, in short, to show himself disposed to occupy himself with this affair and satisfactorily arrange the mode of reimbursing, in conformity with justice and right, the sum taken, if not covered by the property of the responsible parties; all which measures were communicated before now to Mr. G. B. Mathew.

The Mexican Government views with satisfaction that Her Majesty's Government, guided by sentiments of equity and justice, has wished and resolved on not injuring the Mexicans on account of that outrage, considering them innocent and only simple spectators of the outrage committed by the Chiefs of the rebels.

The well-known justice of Her Majesty's Government, and the publicity of the deeds which have been committed during the last 3 years in this capital, will confirm them in the belief (at least so the Undersigned hopes) that the Mexicans are not capable of the outrages committed by the usurpers of power, and that if a small number of citizens were forced spectators of the outrage in this capital, the Mexicans in general and their legal authorities condemned it with indignation, and redoubled their efforts to recover the city, in which the rebels had fortified themselves, and to restore to natives and foreigners the rights and guarantees they had been deprived of by a faction that never had any titles of legitimacy.

His Excellency the President being informed that Mr. G. B. Mathew is authorized by his Excellency Her Britannic Majesty's Secretary of State to recognize him as legal Chief of the Mexican Republic, and offer him at the same time the complete moral support of Great Britain, concurs with the Government of that nation in disapproving of the illegal outrage committed on Her Majesty's Legation, and is ready to recognize the claims of British subjects for this and other acts of spoliation and violence which they may have suffered; and his Excellency directs the Undersigned to say in reply, that his satisfaction is great on seeing that Her Majesty's Government is disposed to continue the friendly relations which happily exist between the two countries, by coming to an understanding with the Constitutional Government of the Republic; that he sincerely thanks and feels grateful for the friendly offer of the complete moral support of Great Britain as the only efficacious means of consolidating peace and free institutions in Mexico; that his Excellency believes that he has anticipated the wish of Her Majesty's Secretary of State by disapproving of the outrage committed on the Legation (and on this point the Undersigned refers to that part of his note of the 12th instant, the proposals in which were accepted by Mr. Mathew in his answer of the 19th); and that his Excellency will always recognize all claims of British subjects founded on justice, and will attend to them in conformity to right, of which his Excellency has given proofs during his administration, fulfilling in that part of the Republic which was the theatre of the rebellion the international engagements of Mexico.

It is satisfactory to the Undersigned to see that Mr. Mathew should have expressed his conviction that

Magistrate and the members of his Cabinet have concurred on all the principal points.

The Undersigned, &c.

G. B. Mathew, Esq.

FRANCISCO ZARCO.

(*Enclosure 3.*)—*Mr. Mathew's Address to President Juarez.*

SIR,

(Translation.)

It is with sincere gratification that, in fulfilment of the commands recently conveyed to me, I have the honour to tender the recognition of Her Majesty's Government to your Excellency, as the legal head of the Mexican Republic, together with the assurance of the moral support of Great Britain, which is due no less to the honourable and just views entertained by your Excellency and your Cabinet of the occurrences which have marked with indelible infamy the late arbitrary rule in this capital, than to the wise basis of religious and civil liberty on which your Excellency's Government is declared to be founded.

Great Britain has taken a constant and warm interest in the independence, the nationality, and the prosperity of Mexico, and it would betray gross ignorance of the sentiments and of the policy by which the councils of the Queen my gracious Sovereign are actuated were its perfect disinterestedness questioned.

The mutual advantages of commerce, unrestricted by trammels and by high duties, which invariably injure the very objects they are intended to carry out, and the mutual enjoyment of Constitutional liberties, form a better international bond than that of power or dominion.

Permit me, in congratulating your Excellency upon the termination of the lamentable civil war by which Mexico has been so deeply injured, to express a fervent hope that the public peace may not be again disturbed; for upon its endurance, on the public principles now established, I believe the nationality of the Republic to depend.

The extension of sound education, which is, I doubt not, one of the first objects of your Excellency's Government, will lead the citizens of the Republic to feel that it is only by the legal course, through their Representatives in Congress, that views and opinions at variance with existing ordinances can be brought forward, and that any other less peaceful mode merits to be stigmatized as treason, and justly exposes those who adopt it to the name and to the fate of traitors to their country.

GEORGE B. MATHEW.

(Inclosure 4.)—*President Juarez's Reply.*

SIR,

(Translation.)

It is gratifying to me to receive, through you, the recognition of the legal Government of the Republic by Great Britain, and the moral support which that Power is pleased to offer to Mexico, based on the just disapproval this Government has expressed, in the name of the people, against the outrages committed in this capital by the rebels who usurped power, without ever having titles of legitimacy; and on the fact that civil and religious liberty is one of the bases of our institutions.

I feel sincere gratitude for the interest you have just shown, in the name of your Government, for the independence, nationality, and prosperity of Mexico, whose Government know too well the enlightened councils of the Queen to doubt of their interest towards a people who have sacrificed so much in order to obtain the great reforms required by civilization, and the principles of liberty so vigorously maintained by Great Britain herself.

Commerce, freedom, and mutual confidence are also, in my opinion, the strongest bonds of union which can join the two nations, and it will be the constant endeavour of this Government to strengthen these and make them more lasting.

I thank you for your congratulations for the re-establishment of public peace and legitimate institutions, as also for the wish you express that Mexico in reforming her laws and institutions may not depart from the path of legality.

I see in the recognition by Great Britain of the legal order of the Republic an augury for peace and prosperity, and a proof of the rectitude and justice which guide the councils of your august Sovereign.

You may assure your Government that I will endeavour to maintain and strengthen the cordial relations existing between the two countries, and offer my most fervent prayers for the prosperity and aggrandizement of Great Britain.

JUAREZ.

(Inclosure 5.)—*Senor Zarco to Mr. Mathew.*(Translation.) *National Palace, Mexico, February 25, 1861.*

CONFORMABLY to what the Undersigned signified to Mr. Mathew on the 12th instant, he has the honour to acquaint him that, at 2 o'clock to-morrow afternoon, being the hour at which the British flag will be hoisted on the house of the Legation, the national flag shall be hoisted also, as a public testimony of the solemn reprobation manifested by the Supreme Government of the outrage com-

mitted in the house of the same Legation on the 18th of November of last year, by the rebellious faction which ruled in the capital.

The Undersigned, &c.

G. B. Mathew, Esq.

FRANCISCO ZARCO.

No. 25.—*Lord J. Russell to Mr. Mathew.*

SIR,

Foreign Office, April 5, 1861.

I HAVE to convey to you my approval of the arrangement which you had come to with the Government of Mexico for the settlement of the questions arising out of the conducta seizures at Tampico and Lagos, and the robbery of the bondholders' funds from Her Majesty's Legation, as reported in your despatch of the 25th of February last.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

No. 26.—*Lord J. Russell to Mr. Mathew.*

SIR,

Foreign Office, April 5, 1861.

I HAVE to acquaint you, in reply to your despatch of the 23rd of February, that Her Majesty's Government approve of your having, under the circumstances mentioned in that despatch, formally recognized the Government of Señor Juarez.

I am, &c.

G. B. Mathew, Esq.

J. RUSSELL.

DECRET de l'Empereur des Français, portant promulgation du Traité d'Amitié, de Commerce, et de Navigation du 27 Juin, 1858, ainsi que de la Convention de Paix, conclus entre la France et la Chine du 25 Octobre, 1860.—Paris, le 12 Janvier, 1861.

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Étrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité d'Amitié, de Commerce et de Navigation, suivi d'Articles Séparés et d'un tarif, ayant été conclu le 27 Juin, 1858, entre la France et la Chine, et les Ratifications de cet acte ayant été échangées à Pékin le 25 Octobre, 1860, et une Convention de Paix, additionnelle au dit Traité, et emportant avec elle ratification, ayant été signée, le 25 Octobre, 1860, les dits Traité et Convention, dont la teneur suit, recevront leur pleine et entière exécution.

TRAITE.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, animés l'un et l'autre du désir de mettre un terme aux différends qui se sont élevés entre les deux Empires, et voulant rétablir et améliorer les relations d'amitié, de commerce et de navigation qui ont existé entre les deux Puissances, comme aussi en régulariser l'existence, en favoriser le développement et en perpétuer la durée, ont résolu de conclure un nouveau Traité, basé sur l'intérêt commun des deux pays, et ont, en conséquence, nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, le Sieur Jean Baptiste Louis Baron Gros, Grand Officier de la Légion d'Honneur, Grand-Croix de l'Ordre du Sauveur de Grèce, Commandeur de l'Ordre de la Conception de Portugal, &c. ;

Et Sa Majesté l'Empereur de la Chine, Kouéi-Liang, Haut Commissaire Impérial de la dynastie Ta-Tsing, Grand Ministre du Palais Oriental, Directeur Général des Affaires du Conseil de Justice, &c. ; et Hoûa-Cha-Na, Haut Commissaire Impérial de la dynastie Ta-Tsing, Président du Conseil des Finances, Général de l'Armée Sino-Tartare de la Bannière bordée d'azur, &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, qu'ils ont trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, ainsi qu'entre les sujets des deux Empires, sans exception de personnes ni de lieux.

Ils jouiront tous également, dans les Etats respectifs des Hautes Parties Contractantes, d'une pleine et entière protection pour leurs personnes et leurs propriétés.

II. Pour maintenir la paix si heureusement rétablie entre les deux Empires, il a été convenu entre les Hautes Parties Contractantes, qu'à l'exemple de ce qui se pratique chez les nations de l'Occident, les Agents Diplomatiques dûment accrédités par Sa Majesté l'Empereur des Français auprès de Sa Majesté l'Empereur de la Chine pourront se rendre éventuellement dans la capitale de l'Empire, lorsque des affaires importantes les y appelleront.

Il est convenu entre les Hautes Parties Contractantes que, si l'une des Puissances qui ont un Traité avec la Chine obtenait, pour ses Agents Diplomatiques, le droit de résider, à poste fixe, à Pékin, la France jouirait immédiatement du même droit.

Les agents Diplomatiques jouiront réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens ; c'est-à-dire que leurs personnes, leur famille, leur maison et leur correspondance seront inviolables ; qu'ils pourront prendre à

leur service les employés, courriers, interprètes, serviteurs, &c., qui leur seront nécessaires.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français. Les Agents Diplomatiques qu'il plaira à Sa Majesté l'Empereur de la Chine d'accréditer auprès de Sa Majesté l'Empereur des Français seront reçus en France avec tous les honneurs et toutes les prérogatives dont jouissent, à rang égal, les Agents Diplomatiques des autres nations accrédités à la Cour de Sa Majesté l'Empereur des Français.

III. Les communications officielles des Agents Diplomatiques et Consulaires Français avec les autorités Chinoises seront écrites en Français, mais seront accompagnées, pour faciliter le service, d'une traduction Chinoise aussi exacte que possible, jusqu'au moment où le Gouvernement Impérial de Pékin, ayant des interprètes pour parler et écrire correctement le Français, la correspondance diplomatique aura lieu dans cette langue pour les Agents Français et en Chinois pour les fonctionnaires de l'Empire. Il est convenu que jusque-là, et en cas de dissidence dans l'interprétation à donner au texte Français et au texte Chinois au sujet des clauses arrêtées d'avance dans les Conventions faites de commun accord, ce sera le texte Français qui devra prévaloir.

Cette disposition est applicable au présent Traité. Dans les communications entre les autorités des deux pays, ce sera toujours le texte original et non la traduction qui fera foi.

IV. Désormais, les correspondances officielles entre les autorités et les fonctionnaires des deux pays seront réglées suivant les rangs et les positions respectives et d'après les bases de la réciprocité la plus absolue. Ces correspondances auront lieu entre les hauts fonctionnaires Français et les hauts fonctionnaires Chinois, dans la capitale ou ailleurs, par dépêche ou communication. Entre les fonctionnaires Français en sous-ordre et les hautes autorités des provinces, pour les premiers par exposé, pour les seconds par déclaration. Entre les officiers en sous-ordre des deux nations, comme il est dit plus haut, sur le pied d'une parfaite égalité.

Les négociants et généralement tous les individus qui n'ont pas de caractère officiel se serviront réciproquement de la formule représentation dans toutes les pièces adressées ou destinées pour renseignements aux autorités respectives.

Toutes les fois qu'un Français aura à recourir à l'autorité Chinoise, sa représentation devra d'abord être soumise au Consul, qui, si elle lui paraît raisonnable et convenablement rédigée, lui donnera suite, et qui, s'il en est autrement, en fera modifier la teneur ou refusera de la transmettre. Les Chinois de leur côté,

lorsqu'ils auront à s'adresser au Consulat, devront suivre une marche analogue auprès de l'autorité Chinoise, laquelle agira de la même manière.

V. Sa Majesté l'Empereur des Français pourra nommer des Consuls ou des Agents Consulaires dans les ports de mer ou de rivière de l'empire Chinois dénommés dans l'Article VI du présent Traité pour servir d'intermédiaires entre les autorités Chinoises et les négociants et les sujets Français, et veiller à la stricte observation des règlements stipulés.

Ces fonctionnaires seront traités avec la considération et les égards qui leur sont dus. Leurs rapports avec les autorités du lieu de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de ladite autorité, ils s'adresseraient directement à l'autorité supérieure de la province, et en donneraient immédiatement avis au Ministre Plénipotentiaire de l'Empereur.

En cas d'absence du Consul Français, les capitaines et les négociants Français auraient la faculté de recourir à l'intervention du Consul d'une Puissance amie ou, s'il était impossible de le faire, ils auraient recours au chef de la douane, qui aviserait au moyen d'assurer à ces capitaines et négociants le bénéfice du présent Traité.

VI. L'expérience ayant démontré que l'ouverture de nouveaux ports au commerce étranger est une des nécessités de l'époque, il a été convenu que les ports de Kiung-Tchan et Chaou-Chaou dans la province de Kouang-Ton, Taïwan et Taashwi dans l'île de Formose, province de Fo-Kien; Tan-Tchau dans la province de Chan-Tong, et Nankin dans la province de Kiang-Nan, jouiront des mêmes privilèges que Canton, Chang-Haï, Ning-Pô, Amoyet, Fou-Tchéou.

Quant à Nankin, les Agents Français en Chine ne délivreront de passe-ports à leurs nationaux pour cette ville, que lorsque les rebelles en auront été expulsés par les troupes impériales.

VII. Les Français et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à l'industrie en toute sécurité et sans entrave d'aucune espèce, dans les ports et villes de l'Empire Chinois situés sur les côtes maritimes et sur les grands fleuves dont l'énumération est contenue dans l'Article précédent.

Ils pourront circuler librement de l'un à l'autre, s'ils sont munis de passe-ports; mais il leur est formellement défendu de pratiquer, sur la côte, des ventes ou des achats clandestins, sous peine de confiscation des navires et des marchandises engagés dans ces opérations, et cette confiscation aura lieu au profit du Gouvernement Chinois, qui devra cependant, avant que la confiscation soit légalement prononcée, en donner avis aux Français du port le plus voisin.

VIII. Les Français qui voudront

térieur, ou dans les ports où ne sont pas admis les navires étrangers, pourront le faire en toute sûreté, à la condition expresse d'être munis de passe-ports rédigés en Français et en Chinois, légalement délivrés par les Agents Diplomatiques ou les Consuls de France en Chine, et visés par les autorités Chinoises.

En cas de perte de ce passe-port, le Français qui ne pourra pas le présenter, lorsqu'il en sera requis légalement, devra, si l'autorité Chinoise du lieu où il se trouve se refuse à lui donner un permis de séjour, pour lui laisser le temps de demander un autre passe-port au Consul, être reconduit au Consulat le plus voisin, sans qu'il soit permis de le maltraiter, ni de l'insulter en aucune manière.

Ainsi que cela était stipulé dans les anciens Traités, les Français résidant ou de passage dans les ports ouverts au commerce étranger pourront circuler, sans passe-port, dans leur voisinage immédiat, et y vaquer à leurs occupations aussi librement que les nationaux; mais ils ne pourront dépasser certaines limites qui seront fixées, de commun accord, entre le Consul et l'autorité locale.

Les Agents Français en Chine ne délivreront de passe-ports à leurs nationaux que pour les lieux où les rebelles ne seront pas établis dans le moment où ce passe-port sera demandé.

Ces passe-ports ne seront délivrés par les autorités Françaises, qu'aux personnes qui leur offriront toutes les garanties désirables.

IX. Tous les changements apportés d'un commun accord, avec l'une des Puissances signataires des Traités avec la Chine, au sujet des améliorations à introduire au tarif actuellement en vigueur, ou à celui qui le serait plus tard, comme aussi aux droits de douane, de tonnage, d'importation, de transit et d'exportation, seront immédiatement applicables au commerce et aux négociants Français, par le seul fait de leur mise à exécution.

X. Tout Français qui, conformément aux stipulations de l'Article VI du présent Traité, arrivera dans l'un des ports ouverts au commerce étranger, pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, ou bien affermer des terrains, et y bâtir lui-même des maisons et des magasins. Les Français pourront, de la même manière, établir des églises, des hôpitaux, des hospices, des écoles et des cimetières. Dans ce but, l'autorité locale, après s'être concertée avec le Consul, désignera les quartiers les plus convenables pour la résidence des Français, et les endroits dans lesquels pourront avoir lieu les constructions précitées.

Le prix des loyers et des fermages sera librement débattu entre les parties intéressées, et réglé, autant que faire se pourra, conformément à la moyenne des prix locaux.

Les autorités Chinoises empêcheront leurs nationaux de surfaire

ou d'exiger des prix exorbitants, et le Consul veillera, de son côté, à ce que les Français n'usent pas de violence ou de contrainte pour forcer le consentement des propriétaires. Il est bien entendu, d'ailleurs, que le nombre des maisons et l'étendue des terrains à affecter aux Français, dans les ports ouverts au commerce étranger, ne seront point limités, et qu'ils seront déterminés d'après les besoins et les convenances des ayants droit. Si des Chinois violaient ou détruisaient des églises ou des cimetières Français, les coupables seraient punis suivant toute la rigueur des lois du pays.

XI. Les Français, dans les ports ouverts au commerce étranger, pourront choisir librement, et à prix débattu entre les parties, ou sous la seule intervention des Consuls, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques. Ils auront, en outre, la faculté d'engager des lettrés du pays pour apprendre à parler ou à écrire la langue Chinoise, et toute autre langue ou dialecte usités dans l'Empire, comme aussi de se faire aider par eux, soit pour leurs écritures, soit pour des travaux scientifiques ou littéraires. Ils pourront également enseigner à tout sujet Chinois la langue de leur pays ou des langues étrangères, et vendre sans obstacle des livres Français ou acheter eux-mêmes toutes sortes de livres Chinois.

XII. Les propriétés de toute nature appartenant à des Français dans l'Empire Chinois seront considérées par les Chinois comme inviolables et seront toujours respectées par eux. Les autorités Chinoises ne pourront, quoi qu'il arrive, mettre embargo sur les navires Français, ni les frapper de réquisition pour quelque service public ou privé que ce puisse être.

XIII. La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions Chrétiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés et le libre exercice de leur pratiques religieuses, et une protection efficace sera donnée aux missionnaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passe-ports réguliers dont il est parlé dans l'Article VIII. Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout individu en Chine d'embrasser, s'il le veut, le Christianisme, et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

Tout ce qui a été précédemment écrit, proclamé ou publié en Chine par ordre du Gouvernement, contre le culte Chrétien, est complètement abrogé, et reste sans valeur dans toutes les provinces de l'Empire.

XIV. Aucune société de commerce privilégiée ne pourra désormais s'établir en Chine, et il en sera de même de toute coalition organisée dans le but d'exercer un monopole sur le commerce.

En cas de contravention au présent Article, les autorités Chinoises, sur les représentations du Consul ou de l'Agent Consulaire, aviseront aux moyens de dissoudre de semblables associations, dont elles s'efforceront, d'ailleurs, de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait porter atteinte à la libre concurrence.

XV. Lorsqu'un bâtiment Français arrivera dans les eaux de l'un des ports ouverts au commerce étranger, il aura la faculté d'engager tel pilote qui lui conviendra, pour se faire conduire immédiatement dans le port; et, de même, quand après avoir acquitté toutes les charges légales il sera prêt à mettre à la voile, on ne pourra pas lui refuser des pilotes pour le sortir du port sans retard ni délai.

Tout individu qui voudra exercer la profession de pilote pour les bâtiments Français pourra, sur la présentation de 3 certificats de Capitaine de navire, être commissionné par le Consul de France, de la même manière que cela se pratiquerait pour d'autres nations.

La rétribution payée aux pilotes sera réglée selon l'équité, pour chaque port en particulier, par le Consul ou Agent Consulaire, lequel la fixera convenablement en raison de la distance et des circonstances de la navigation.

XVI. Dès que le pilote aura introduit un navire de commerce Français dans le port, le Chef de la Douane déléguera un ou deux préposés pour surveiller le navire, et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leurs convenances, rester dans leurs propres bateaux, ou se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture et de leur entretien, seront à la charge de la Douane Chinoise, et ils ne pourront exiger aucune indemnité ou rétribution quelconque des Capitaines ou des consignataires. Toute contravention à cette disposition entraînera une punition proportionnelle au montant de l'exaction, laquelle sera en outre intégralement restituée.

XVII. Dans les 24 heures qui suivront l'arrivée d'un navire de commerce Français dans l'un des ports ouverts au commerce étranger, le capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire devra se rendre au Consulat de France et remettre entre les mains du Consul les papiers de bord, les connaissements et le manifeste. Dans les 24 heures suivantes, le Consul enverra au chef de la Douane une note détaillée indiquant le nom du navire, le rôle d'équipage, le tonnage légal du bâtiment, et la nature de son chargement. Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pas pu être accomplie dans les 48 heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de 50 piastres par jour de retard

au profit du Gouvernement Chinois; ladite amende, toutefois, ne pourra dépasser la somme de deux cents piastres.

Aussitôt après la réception de la note transmise par le Consulat, le chef de la Douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'avoir reçu le permis précité, avait ouvert la cale et commencé à décharger, il pourrait être condamné à une amende de 500 piastres, et les marchandises débarquées pourraient être saisies, le tout au profit du Gouvernement Chinois.

XVIII. Les capitaines et négociants Français pourront louer telles espèces d'allèges et d'embarcations qu'il leur plaira pour transporter des marchandises et des passagers, et la rétribution à payer pour ces allèges sera réglée de gré à gré par les parties intéressées, sans l'intervention de l'autorité Chinoise et, par conséquent, sans sa garantie en cas d'accident, de fraude ou de disparition desdites allèges. Le nombre n'en sera pas limité, et le monopole n'en pourra être concédé à qui que ce soit, non plus que celui du transport, par portefaix, des marchandises à embarquer ou à débarquer.

XIX. Toutes les fois qu'un négociant Français aura des marchandises à embarquer ou à débarquer, il devra d'abord en remettre la note détaillée au Consul ou Agent Consulaire, qui chargera immédiatement un interprète reconnu du Consulat d'en donner communication au chef de la Douane. Celui-ci délivrera sur-le-champ un permis d'embarquement ou de débarquement. Il sera alors procédé à la vérification des marchandises dans la forme la plus convenable pour qu'il n'y ait chance de perte pour aucune des parties.

Le négociant Français devra se faire représenter sur le lieu de la vérification (s'il ne préfère y assister lui-même) par une personne réunissant les qualités requises, à l'effet de veiller à ses intérêts au moment où il sera procédé à cette vérification pour la liquidation des droits; faute de quoi, toute réclamation ultérieure restera nulle et non avenue.

En ce qui concerne les marchandises taxées *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé Chinois sur la valeur à fixer, chaque partie appellera deux ou trois négociants chargés d'examiner les marchandises, et le prix le plus élevé qui sera offert par l'un d'eux sera réputé constituer la valeur desdites marchandises.

Les droits seront prélevés sur le poids net; on déduira, en conséquence, le poids des emballages et contenants. Si le négociant Français ne peut s'entendre avec l'employé Chinois sur la fixation de la taxe, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis objets du litige, les pèsera pesés bruts, puis les pèsera ensuite, et la tare moyenne sera prise de tare pour tous les autres.

Si, pendant le cours de la vérification, il s'élève quelque difficulté qui ne puisse être résolue, le négociant Français pourra réclamer l'intervention du Consul, lequel portera sur-le-champ l'objet de la contestation à la connaissance du chef des Douanes, et tous deux s'efforceront d'arriver à un arrangement amiable ; mais la réclamation devra avoir lieu dans les 24 heures, sinon il n'y sera pas donné suite. Tant que le résultat de la contestation restera pendant, le chef de la Douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Les marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnée à leur dépréciation. Celle-ci sera déterminée équitablement et, s'il le faut, par expertise contradictoire, ainsi qu'il a été stipulé plus haut pour la fixation des droits *ad valorem*.

XX. Tout bâtiment entré dans l'un des ports de la Chine, et qui n'a point encore levé le permis de débarquement mentionné dans l'Article XIX, pourra, dans les deux jours de son arrivée, quitter le port et se rendre dans un autre port sans avoir à payer ni droits de tonnage, ni droits de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandises.

XXI. Il est établi, de commun accord, que les droits d'importation seront acquittés par les capitaines ou négociants Français au fur et à mesure du débarquement des marchandises et après leur vérification. Les droits d'exportation le seront de la même manière, lors de l'embarquement. Lorsque les droits de tonnage et de douane dus par un bâtiment Français auront été intégralement acquittés, le chef de la Douane délivrera une quittance générale, sur l'exhibition de laquelle le Consul rendra ses papiers de bord au capitaine et lui permettra de mettre à la voile.

Le chef de la Douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir la somme due par les négociants Français au compte du Gouvernement, et les récépissés de ces maisons de change pour tous les paiements qui leur auront été faits seront réputés acquits du Gouvernement Chinois. Ces paiements pourront s'opérer, soit en lingots, soit en monnaies étrangères dont le rapport avec l'argent *syce* sera déterminé de commun accord entre le Consul ou Agent Consulaire Français et le chef de la Douane dans les différents ports, suivant le temps, le lieu et les circonstances.

XXII. Après l'expiration des deux jours mentionnés dans l'Article XX et avant de procéder au déchargement, chaque bâtiment de commerce Français acquittera intégralement les droits de tonnage ainsi réglés pour les navires de 150 tonneaux, de la jauge

légale et au-dessus, à raison de 5 maces (un demi-taël) par tonneau ; pour les navires jaugeant moins de 150 tonneaux, à raison de un mace (un dixième de taël) par tonneau. Toutes les rétributions et surcharges additionnelles, antérieurement imposées à l'arrivée et au départ, sont expressément supprimées et ne pourront être remplacées par aucune autre.

Lors du paiement du droit précité, le Chef de la Douane délivrera au capitaine ou au consignataire un reçu en forme de certificat constatant que le droit de tonnage a été intégralement acquitté, et, sur l'exhibition de ce certificat au Chef de la Douane de tout autre port où il lui conviendrait de se rendre, le capitaine sera dispensé de payer de nouveau pour son bâtiment le droit de tonnage ; tout navire Français ne devant en être passible qu'une seule fois à chacun de ses voyages d'un pays étranger en Chine.

Sont exemptés des droits de tonnage, les barques, goëlettes, bateaux caboteurs et autres embarcations Françaises, pontées ou non, employées au transport des passagers, bagages, lettres, comestibles et généralement de tous objets non sujets aux droits. Si lesdites embarcations transportaient en outre des marchandises, elles resteraient dans la catégorie des navires jaugeant moins de 150 tonneaux et payeraient à raison d'un dixième de taël (un mace) par tonneau.

Les négociants Français pourront toujours affréter des jonques et autres embarcations Chinoises, lesquelles ne seront soumises à aucun droit de tonnage.

XXIII. Toutes marchandises Françaises, après avoir acquitté, dans l'un des ports de la Chine, les droits de douane liquidés d'après le tarif, pourront être transportées dans l'intérieur sans avoir à subir aucune autre charge supplémentaire que le paiement des droits de transit suivant le taux modéré actuellement en vigueur ; lesquels droits ne seront susceptibles d'aucune augmentation future.

Si des Agents de la Douane Chinoise, contrairement à la teneur du présent Traité, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire.

XXIV. Tout navire Français entré dans l'un des ports ouverts au commerce étranger, et qui voudra n'y décharger qu'une partie de ses marchandises, ne payera les droits de douane que pour la partie débarquée ; il pourra transporter le reste de sa cargaison dans un autre port et l'y vendre. Les droits seront alors acquittés.

Dans le cas où des Français, après avoir acquitté dans un port les droits sur des marchandises, voudraient les réexporter et aller les vendre dans un autre port, ils en préviendraient le Consul ou Agent Consulaire ; celui-ci, de son côté, en informera le Chef de la Douane,

lequel, après avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une déclaration attestant que les droits afférents auxdites marchandises ont été effectivement acquittés.

Munis de cette déclaration, les négociants Français n'auront, à leur arrivée dans l'autre port, qu'à la présenter par l'entremise du Consul au Chef de la Douane, qui délivrera pour cette partie de la cargaison, sans retard et sans frais, un permis de débarquement en franchise de droits ; mais, si l'autorité découvrait de la fraude ou de la contrebande parmi ces marchandises ainsi réexportées, celles-ci seraient, après vérification, confisquées au profit du Gouvernement Chinois.

XXV. Aucun transbordement de marchandises ne pourra avoir lieu que sur permis spécial, et dans un cas d'urgence. S'il devient indispensable d'effectuer cette opération, il devra en être référé au Consul, qui délivrera un certificat, sur le vu duquel le transbordement sera autorisé par le Chef de la Douane. Celui-ci pourra toujours déléguer un employé de son administration pour y assister.

Tout transbordement non autorisé, sauf le cas de péril en la demeure, entraînera la confiscation, au profit du Gouvernement Chinois, de la totalité des marchandises illicitement transbordées.

XXVI. Dans chacun des ports ouverts au commerce étranger, le Chef de la Douane recevra pour lui-même, et déposera au Consulat Français, des balances légales pour les marchandises et pour l'argent, ainsi que des poids et mesures exactement conformes aux poids et aux mesures en usage à la Douane de Canton, et revêtus d'une estampille et d'un cachet constatant cette conformité. Ces étalons seront la base de toutes les liquidations de droits et de tous les paiements à faire au Gouvernement Chinois. On y aura recours, en cas de contestation sur le poids et la mesure des marchandises, et il sera statué d'après les résultats qu'ils auront donnés.

XXVII. Les droits d'importation et d'exportation prélevés en Chine sur le commerce Français seront réglés conformément au tarif annexé au présent Traité sous le sceau et la signature des Plénipotentiaires respectifs. Ce tarif pourra être révisé de 7 en 7 années, pour être mis en harmonie avec les changements de valeur apportés par le temps sur les produits du sol et de l'industrie des deux Empires.

Moyennant l'acquit de ces droits, dont il est expressément interdit d'augmenter le montant dans le cours des 7 années susmentionnées et que ne pourront aggraver aucune espèce de charge ou de surtaxe quelconque, les Français seront libres d'importer en Chine des ports Français ou étrangers, et d'exporter également de Chine pour toute destination, toutes les marchandises, qui ne seraient pas,

au jour de la signature du présent Traité, et d'après la classification du tarif ci-annexé, l'objet d'une prohibition formelle ou d'un monopole spécial.

Le Gouvernement Chinois renonçant à la faculté d'augmenter, par la suite, le nombre des articles réputés contrebande ou monopole, aucune modification ne pourra être apportée au tarif qu'après une entente préalable avec le Gouvernement Français et de son plein et entier consentement.

A l'égard du tarif, aussi bien que pour toute stipulation introduite ou à introduire dans les Traités existants ou qui seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens Français en Chine, auront droit toujours et partout au traitement de la nation la plus favorisée.

XXVIII. La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments du commerce Français dans les ports de la Chine. S'il en était autrement, toute marchandise introduite en contrebande, par des navires ou par des négociants Français dans ces ports, quelles que soient d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée, débarquée frauduleusement, seront saisies par l'autorité locale et confisquées au profit du Gouvernement Chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention et le contraindre à partir aussitôt après l'apuration de ses comptes. Si quelque navire étranger se couvrirait frauduleusement du pavillon de la France, le Gouvernement Français prendrait les mesures nécessaires pour la répression de cet abus.

XXIX. Sa Majesté l'Empereur des Français pourra faire stationner un bâtiment de guerre dans les ports principaux de l'Empire où sa présence serait jugée nécessaire pour maintenir le bon ordre et la discipline parmi les équipages des navires marchands et faciliter l'exercice de l'autorité Consulaire. Toutes les mesures nécessaires seraient prises pour que la présence de ces navires de guerre n'entraîne aucun inconvénient, et leurs commandants recevraient l'ordre de faire exécuter les dispositions stipulées dans l'Article XXXIII par rapport aux communications avec la terre et à la police des équipages. Les bâtiments de guerre ne seront assujettis à aucun droit.

XXX. Tout bâtiment de guerre Français croisant pour la protection du commerce sera reçu en ami et traité comme tel dans tous les ports de la Chine où il se présentera. Ces bâtiments pourront s'y procurer les divers objets de rechange et de ravitaillement dont ils auraient besoin, et, s'ils ont fait des avaries, les réparer et acheter

dans ce but les matériaux nécessaires ; le tout sans la moindre opposition.

Il en sera de même à l'égard des navires de commerce Français qui, par suite d'avaries majeures ou pour toute autre cause, seraient contraints de chercher refuge dans un port quelconque de la Chine.

Si quelqu'un de ces bâtiments venait à se perdre sur la côte, l'autorité Chinoise la plus proche, dès quelle en serait informée, porterait sur-le-champ assistance à l'équipage, pourvoirait à ses premiers besoins et prendrait les mesures d'urgence nécessaires pour le sauvetage du navire et la préservation des marchandises. Puis elle porterait le tout à la connaissance du Consul ou Agent Consulaire le plus à portée du sinistre, pour que celui-ci, de concert avec l'autorité compétente, pût aviser aux moyens de rapatrier l'équipage et de sauver les débris du navire et de la cargaison.

XXXI. Dans le cas où, par la suite des temps, la Chine entretrait en guerre avec une autre Puissance, cette circonstance ne porterait aucune atteinte au libre commerce de la France avec la Chine ou avec la nation ennemie. Les navires Français pourraient toujours, sauf le cas de blocus effectif, circuler sans obstacle des ports de l'une aux ports de l'autre, y trafiquer comme à l'ordinaire, y importer et en exporter toute espèce de marchandises non prohibées.

XXXII. S'il arrive que des matelots ou autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce Français, l'autorité Chinoise, sur la réquisition du Consul ou, à son défaut, du capitaine, fera tous ses efforts pour découvrir et restituer sur-le-champ, entre les mains de l'un ou de l'autre, les susdits déserteurs ou fugitifs.

Pareillement, si des Chinois déserteurs ou prévenus de quelque crime vont se réfugier dans des maisons Françaises ou à bord des navires appartenant à des Français, l'autorité locale s'adressera au Consul, qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée. De part et d'autre, on évitera soigneusement tout recel et toute connivence.

XXXIII. Quand des matelots descendront à terre, ils seront soumis à des règlements de discipline spéciale qui seront arrêtés par le Consul et communiqués à l'autorité locale, de manière à prévenir, autant que possible, toute occasion de querelle entre les marins Français et les gens du pays.

XXXIV. Dans le cas où les navires de commerce Français seraient attaqués ou pillés par des pirates, dans des parages dépendants de la Chine, l'autorité civile et militaire du lieu le plus rapproché, dès qu'elle aura connaissance du fait, en poursuivra activement les auteurs, et ne négligera rien pour qu'ils soient arrêtés et punis conformément aux lois. Les marchandises enlevées,

en quelque lieu et dans quelque état qu'elles se trouvent, seront remises entre les mains du Consul, qui se chargera de les restituer aux ayants droit. Si l'on ne peut s'emparer des coupables, ni recouvrer la totalité des objets volés, les fonctionnaires Chinois subiront la peine infligée par la loi en pareille circonstance ; mais ils ne sauraient être rendus pécuniairement responsables.

XXXV. Lorsqu'un sujet Français aura quelque motif de plainte ou quelque réclamation à formuler contre un Chinois, il devra d'abord exposer ses griefs au Consul, qui, après avoir examiné l'affaire, s'efforcera de l'arranger à l'amiable. De même, quand un Chinois aura à se plaindre d'un Français, le Consul écoutera ses réclamations avec intérêt et cherchera à ménager un arrangement à l'amiable ; mais si, dans l'un ou l'autre cas, la chose était impossible, le Consul requerra l'assistance du fonctionnaire Chinois compétent, et tous deux, après avoir examiné conjointement l'affaire, statueront suivant l'équité.

XXXVI. Si, dorénavant, des citoyens Français éprouvaient quelques dommages ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets Chinois, ceux-ci seraient poursuivis par l'autorité locale, qui prendra les mesures nécessaires pour la défense et la protection des Français : à bien plus forte raison, si des malfaiteurs ou quelque partie égarée de la population tentaient de piller, de détruire ou d'incendier les maisons, les magasins des Français ou tout autre établissement formé par eux, la même autorité, soit à la réquisition du Consul, soit de son propre mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables, les livrer à toute la rigueur des lois ; le tout sans préjudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

XXXVII. Si des Chinois, à l'avenir, deviennent débiteurs de capitaines ou de négociants Français et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auront plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses ; ils pourront seulement s'adresser, par l'entremise de leurs Consuls, à l'autorité locale, qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire à leurs engagements suivant la loi du pays. Mais si le débiteur ne peut être retrouvé, s'il est mort ou en faillite, et s'il ne reste rien pour payer, les négociants Français ne pourront point appeler l'autorité Chinoise en garantie.

En cas de fraude ou de non-payement de la part des négociants Français, le Consul prêtera, de la même manière, assistance aux réclamants, sans que, toutefois, ni lui ni son Gouvernement puissent, en aucune manière, être rendus responsables.

XXXVIII. Si, malheureusement, il s'élevait quelque rixe ou quelque querelle entre des Français et des Chinois, comme aussi dans le cas où, durant le cours d'une semblable querelle, un ou plusieurs individus seraient tués ou blessés, soit par des coups de feu, soit autrement, les Chinois seront arrêtés par l'autorité Chinoise, qui se chargera de les faire examiner et punir, s'il y a lieu, conformément aux lois du pays. Quant aux Français, ils seront arrêtés à la diligence du Consul, et celui-ci prendra toutes les mesures nécessaires pour que les prévenus soient livrés à l'action régulière des lois Françaises dans la forme et suivant les dispositions qui seront ultérieurement déterminées par le Gouvernement Français.

Il en sera de même en toute circonstance analogue et non prévue dans la présente Convention, le principe étant que, pour la répression des crimes et délits commis par eux en Chine, les Français seront constamment régis par les lois Françaises.

XXXIX. Les Français en Chine dépendront également, pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction Française. En cas de différends survenus entre Français et étrangers, il est bien stipulé que l'autorité Chinoise n'aura à s'en mêler en aucune manière. Elle n'aura pareillement à exercer aucune action sur les navires Français; ceux-ci ne relèveront que de l'autorité Française et du capitaine.

XL. Si, dorénavant, le Gouvernement de Sa Majesté l'Empereur des Français jugeait convenable d'apporter des modifications à quelques-unes des clauses du présent Traité, il sera libre d'ouvrir, à cet effet, des négociations avec le Gouvernement Chinois, après un intervalle de 12 années révolues à partir de l'échange des ratifications. Il est d'ailleurs entendu que toute obligation non consignée expressément dans la présente Convention ne saura être imposée aux Consuls ou aux Agents Consulaires, non plus qu'à leurs nationaux, tandis que, comme il a été stipulé, les Français jouiront de tous les droits, privilèges, immunités et garanties quelconques qui auraient été ou qui seraient accordées par le Gouvernement Chinois à d'autres Puissances.

XLI. Sa Majesté l'Empereur des Français, voulant donner à Sa Majesté l'Empereur de la Chine une preuve des sentiments qui l'animent, consent à stipuler, dans des Articles séparés ayant la même force et valeur que s'ils étaient insérés mot à mot au présent Traité, les arrangements convenus entre les deux Gouvernements au sujet des questions antérieures aux événements de Canton et aux frais qu'ils ont occasionnés au Gouvernement de Sa Majesté l'Empereur des Français.

XLII. Les ratifications du présent Traité d'amitié, de commerce

et de navigation, seront échangées à Pékin, dans l'intervalle d'un an à partir du jour de la signature, ou plus tôt si faire se peut, par Sa Majesté l'Empereur des Français et par Sa Majesté l'Empereur de la Chine.

Après l'échange de ces ratifications, le Traité sera porté à la connaissance de toutes les autorités supérieures de l'Empire dans les provinces et dans la capitale, afin que sa publicité soit bien établie.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Tien-Tsin, en 4 expéditions, le 27^{me} jour du mois de Juin de l'an de grâce, 1858, correspondant au 17^{me} jour de la 5^{me} lune de la 8^{me} année de Hien-Foung.

(L.S.) BARON GROS.

(Les signatures des Plénipotentiaires Chinois.)

ARTICLES SEPARES.

ART. I. Le Magistrat de Si-lin-bien coupable du meurtre du Missionnaire Français Auguste Chapdelaine sera dégradé et déclaré incapable d'exercer désormais aucun emploi.

II. Une communication officielle adressée à son Excellence Monsieur le Ministre de France en Chine lui annoncera l'exécution de cette mesure, qui sera rendue publique et motivée convenablement dans la Gazette de Pékin.

III. Une indemnité sera donnée aux Français et aux protégés de la France dont les propriétés ont été pillées ou incendiées par la populace de Canton avant la prise de cette ville par les troupes alliées de la France et de l'Angleterre.

IV. Les dépenses occasionnées par les armements considérables qu'ont motivés les refus obstinés des autorités Chinoises d'accorder à la France les réparations et les indemnités qu'elle a réclamées, seront payées au Gouvernement de Sa Majesté l'Empereur des Français par les caisses de la douane de la ville de Canton.

Ces indemnités et ces frais d'armements s'élevant à peu près à une somme de 2,000,000 de taëls, cette somme sera versée entre les mains du Ministre de France en Chine, qui en donnera quittance.

Cette somme de 2,000,000 de taëls sera payée à son Excellence Monsieur le Ministre de France en Chine, par sixièmes, payables d'année en année, et pendant 6 ans, par la caisse des douanes de Canton; elle pourra l'être, soit en numéraire, soit en bons de douane, qui seront reçus par cette administration en paiement des droits d'importation et d'exportation et pour un dixième seulement

dé la somme qu'on aurait à lui payer, c'est-à-dire que, si un négociant doit à la Douane de Canton une somme de 10,000 taëls, par exemple, pour droits d'importation ou d'exportation, il pourra en payer 9,000, en espèces et 1,000 en bons dont il s'agit.

Le premier sixième sera payé dans le cours de l'année qui suivra la signature du présent Traité, à compter du jour où elle aura lieu.

La douane de Canton pourra, si elle le veut, ne recevoir chaque année en paiement de droits, que le sixième des bons émis, c'est-à-dire pour une somme de 333,333 taëls et 34 centièmes.

Une commission mixte, nommée à Canton par l'autorité Chinoise et par le Ministre de France, fixera d'avance le mode d'émission de ces bons et les règlements qui en détermineront la forme, la valeur et le mode de destruction dès qu'ils auront servi.

V. L'évacuation de Canton par les troupes Françaises s'effectuera aussitôt que possible après le paiement intégral de la somme de 2,000,000 de taëls stipulée ci-dessus ; mais, pour hâter la retraite de ces troupes, ces bons de douanes pourront être émis d'avance par série de 6 années et déposés dans la chancellerie de la légation de France en Chine.

VI. Les Articles ci-dessus auront même force et valeur que s'ils étaient inscrits mot à mot dans le Traité dont ils font partie, et les Plénipotentiaires respectifs les ont signés et y ont apposé leurs sceaux et leurs cachets.

Fait à Tien-Tsin en 4 expéditions, le 27^{me} jour du mois de Juin de l'an de grâce, 1858, correspondant au 17^{me} jour de la 5^{me} lune de la 8^{me} année de Hien-Foung.

(L.S.) BARON GROS.

(Les signatures des Plénipotentiaires Chinois.)

L'Article IX du Traité signé à Tien-Tsin, le 27 Juin dernier, par le Plénipotentiaire de Sa Majesté l'Empereur des Français et les Plénipotentiaires de Sa Majesté l'Empereur de la Chine, ayant prévu que des modifications pourraient être apportées, d'un commun accord, par le Gouvernement de Sa Majesté l'Empereur de la Chine, et ceux des Puissances signataires des Traités de Tien-Tsin, au sujet d'améliorations à introduire dans le tarif qui fixe les droits d'importation, d'exportation, de transit, &c., et Sa Majesté l'Empereur de la Chine ayant, à cet effet, donné l'ordre aux Commissaires Impériaux Kouéi-Liang, Commissaire Impérial de la dynastie Ta-Tsing, Membre du Conseil Privé du Pavillon Oriental, Ministre de la Justice, Général-en-chef des troupes de la Bannière blanche, muni de pleins pouvoirs, &c. ; et Hoaâ-Châ-Nâ, Commissaire Impérial de la dynastie Ta-Tsing, lecteur de la Maison Impériale, Secrétaire

d'Etat au Département de l'Intérieur, Général-en-chef de l'armée Sino-Tartare de la Bannière bordée d'azur, muni de pleins pouvoirs, &c. ; auxquels Sa Majesté a jugé à propos d'adjoindre en la même qualité: Hô, Commissaire Impérial de la dynastie Ta-Tsing, second tuteur de l'héritier présomptif, Secrétaire d'Etat au Département de la Guerre, Vice-Roi des deux Kiangs, munis de pleins pouvoirs, &c. ; Minn, Commissaire Impérial de la dynastie Ta-Tsing, Fonctionnaire de deuxième rang, chargé des Mouvements Militaires, &c. ; et Touan, Commissaire Impérial de la dynastie Ta-Tsing, Fonctionnaire de cinquième rang, Membre du Conseil Général, Attaché au Ministère de la Justice, &c. :

De se rendre à Changhaï, où se trouvait le Plénipotentiaire de France, afin de s'entendre avec lui au sujet des modifications et des améliorations à apporter au tarif, il a été convenu, entre les Hautes Parties Contractantes, qu'après mûr examen, et après avoir consulté des personnes instruites en matières de commerce, il serait procédé à l'établissement d'un nouveau tarif accompagné de règlements commerciaux, servant à faciliter sa mise à exécution.

Il a été également convenu que le nouveau tarif Français et les règlements de commerce qui y sont annexés, pouvant, à bon droit, être considérés comme un Traité supplémentaire à celui du 27 Juin dernier, ce tarif et ces règlements auraient, aux mêmes dates et aux mêmes conditions stipulées dans le Traité de Tien-Tsin, la même force et valeur que s'ils y étaient insérés mot à mot, et qu'à partir du jour où le Traité de Tien-Tsin sera mis à exécution, le tarif qui s'y trouve annexé en ce moment, sera considéré comme nul et non avenue et remplacé par le nouveau tarif.

Le Plénipotentiaire de France et ceux de l'Empire Chinois, ayant reconnu valables les pouvoirs dont ils sont revêtus, ont établi, d'un commun accord, le tarif qui suit et les règlements commerciaux qui le terminent.

En conséquence, les droits que les Français auront à payer aux autorités Chinoises, par suite des opérations commerciales qu'ils pourraient faire en Chine, sont fixés, de commun accord, d'après le tarif suivant, divisé en marchandises d'importation et en marchandises d'exportation, énumérées dans chacune de ces deux grandes divisions, par ordre de lettres alphabétiques.

Tarif sur les Importations.

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëla.	Macca.	Condarina.	Caches.
Acier	Les 100 cattis.	0	2	5	0
Agar-agar (sorte d'algue, Fucus saccharinus, dont les Chinois font une gélatine)	"	0	1	5	0
Amadou de la Malaisie	"	0	3	5	0
Asa-foetida (gomme résine qui découle de la plante <i>Fœrula asa-foetida</i>) ..	"	0	6	5	0
Batisse, n'excédant pas 1m. 16½c. en largeur, et 21m. 84c. en longueur ..	La pièce.	0	0	7	0
Basin ou piqué n'excédant pas 1m. 01¼c. en largeur et 10m. 97c. en longueur..	"	0	0	6	5
Bèches de mer ou holothuries, noires ..	Les 100 cattis.	1	5	0	0
(Limaces de mer séchées, recherchées des gourmets en Chine) blanches..	"	0	3	5	0
Bézoard de l'Inde (concrétion formée dans l'estomac de la vache et d'autres animaux)	Le cattis.	1	5	0	0
Bleu d'azur	Les 100 cattis.	1	5	0	0
Bois d'ebene	"	0	1	5	0
Bois de garroo (<i>aquilaria</i> , appelé aussi bois d'aigle ou d'aloès)	"	2	0	0	0
Bois de senteur	"	0	4	5	0
Bois de camagon	"	0	0	3	0
Bois de Kranjie 10m. 66½c. en longueur, 0m. 50c. en largeur, 0m. 80¼c. en épaisseur	La pièce.	0	8	0	0
Bois de Laka	Les 100 cattis.	0	1	4	5
Bois rouge	"	0	1	1	5
Bois de construction :					
Mâts et espars, bois dur, n'excédant pas 12m. 19c.	La pièce.	4	0	0	0
Mâts n'excédant pas 18m. 28½c. ..	"	6	0	0	0
Mâts n'excédant pas 18m. 28½c. ..	"	10	0	0	0
Mâts bois blanc, n'excédant pas 18m. 28c.	"	4	5	0	0
Mâts excédant 12m. 19c.	"	2	0	0	0
Mâts excédant 18m. 28½c.	"	6	5	0	0
Bottes à musique	5 p.c. ad val.				
Boutons en cuivre	La grosse.	0	0	5	5
Cachou(extrait résineux, Terra japonica)	Les 100 cattis.	0	1	8	0
Camphre de la Malaisie, pur	Le cattis.	1	3	0	0
Camphre (déchets de)	"	0	7	2	0
Cannelle de Canton (cinnamome) ..	Les 100 cattis.	1	5	0	0
Cardamome (sorte d'épice) supérieur ..	"	1	0	0	0
Cardamome inférieur, ou graine de paradis	"	0	5	0	0
Charbon de terre étranger	Le tonneau.	0	0	5	0
Cire du Japon	Les 100 cattis.	0	6	5	0
Cire vierge	"	1	0	0	0
Cochenille	"	5	0	0	0
Colle de poisson	"	0	6	5	0
Colle forte	"	0	1	5	0
Clous de girofle	"	0	5	0	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Tabla.	Maces.	Condarina.	Caches.
Clous de girofle (griffes de)	Les 100 cattis.	0	1	8	0
Corail	Le cattis.	0	1	0	0
Cordages de Manille	Les 100 cattis.	0	3	5	0
Cornalines	Les 100 pierres.	0	3	0	0
Cornalines en perles	Les 100 cattis.	7	0	0	0
Cornes de buffle	"	0	2	5	0
Cornes de cerf	"	0	2	5	0
Cornes de rhinocéros	"	2	0	0	0
Coton. (Voyez à l'article tissus.)					
Crevettes sèches	"	0	3	6	0
Cuir	"	0	4	2	0
Dents de cheval marin (appelé aussi éléphant de mer à cause de ses défenses)	"	2	0	0	0
Dents d'éléphant entières	"	4	0	0	0
Dents d'éléphant brisées	"	3	0	0	0
Ecaille de tortue	Le cattis.	0	2	5	0
Ecaille de tortue brisée	"	0	0	7	2
Fil d'argent vrai	"	1	3	0	0
Fil d'argent faux	"	0	0	3	0
Fil d'or vrai	"	1	6	0	0
Fil d'or faux	"	0	0	3	0
Gambier (substance tinctoriale et médicinale de l'Inde et des îles de la Sonde)	Les 100 cattis.	0	1	5	0
Ginseng (racine à laquelle les Japonais, les Chinois, et les Tartares attribuent des vertus merveilleuses) Américain, brut	"	6	0	0	0
Ginseng Américain, clarifié	"	8	0	0	0
Gommes :					
Benjoin (baume résine de la Malaisie)	"	0	6	0	0
Huile de benjoin	"	0	6	0	0
Sang-dragon (gomme résine tinctoriale)	"	0	4	5	0
Mirrhe (gomme résine et aromate d'Arabie)	"	0	4	5	0
Oliban (espèce d'encens d'Egypte et d'Arabie)	"	0	4	5	0
Gomme-gutte (gomme résine provenant du Cambodge, employée dans la teinture et la médecine)	"	1	0	0	0
Horloges	5 p.c. ad val.				
Indigo liquide	Les 100 cattis.	0	1	8	0
Laines et linaige. (Voyez à l'article tissus.)					
Laque (objets en)	"	1	0	0	0
Laque en bâton	"	0	3	0	0
Lucraban (graine de). Arbre de Siam dont le fruit est employé en médecine	"	0	0	3	5
Macis ou fleur de muscade	"	1	0	0	0
Manglier (Ecorce de). Cette espèce est le palétuvier de l'Inde revêtu d'une écorce épaisse et brune que les Chinois recherchent pour la teinture en noir	"	0	0	3	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëls.	Maces.	Condariens.	Caches.
Métaux :					
Cuivre, ouvré, en feuille, barres, clous, &c.	Les 100 cattia.	1	5	0	0
Cuivre brut, en saumons	"	1	0	0	0
Cuivre du Japon	"	0	6	0	0
Etain	"	1	2	5	0
Fer-blanc	"	0	4	0	0
Fer, ouvré, en barres, cercles, &c.	"	0	1	2	5
Fer non ouvré, en gueuses	"	0	0	7	5
Fer de lest, en gueuses	"	0	0	1	0
Fil de fer	"	0	2	5	0
Plomb en saumons	"	0	2	5	0
Plomb en feuilles	"	0	5	5	0
Vif argent	"	2	0	0	0
Zinc (sous certaines réserves)	"	0	2	5	0
Metal jaune de composition pour bordages et clous	"	0	9	0	0
Montres	La paire.	1	0	0	0
Montres (maillées à perles	"	4	5	0	0
Moules sèches	Les 100 cattia.	0	2	0	0
Mucade	"	2	5	0	0
Nacre de perle	"	0	2	0	0
Nerfs de buffle et de cerf	"	0	5	5	0
Nids d'oiseaux ou de salanganes. (Ces nids, formés de substances végétales ou animales, sont servis en Chine sur les meilleures tables,	Le cattia.	0	5	0	0
Nids d'oiseaux, 1re qualité	"	0	5	5	0
Nids d'oiseaux, 2e qualité	"	0	4	5	0
Nids d'oiseaux, 3e qualité (non nettoyés)	"	0	1	5	5
Noix de bétel	Par 100 cattia.	0	1	5	0
Gousses de bétel (fruit de l'aréquier, qui, préparé avec la feuille de bétel et de la chaux vive, forme la préparation connue sous le nom de bétel)	"	0	0	7	5
Olives fraîches, salées ou confites	Les 100 cattia.	0	1	8	0
Opium	"	30	0	0	0
Os de tigres	"	1	5	5	0
Parapluies	La pièce.	0	0	3	5
Passe-roses (ou mauves de jardin)	Les 100 cattia.	1	0	0	0
Peaux de renard (grandes)	La pièce.	0	1	5	0
Peaux de renard (petites)	"	0	0	7	5
Peaux de martre	"	0	1	5	0
Peaux de loutre de mer	"	1	5	0	0
Peaux de tigre et de léopard	"	0	1	5	0
Peaux de castor	Le cent.	5	0	0	0
Peaux de lièvre, de lapin et de daim	"	0	5	0	0
Peaux d'écureuils	"	0	5	0	0
Peaux de loutre de terre	"	2	0	0	0
Peaux de blaireau	"	2	0	0	0
Peaux de buffle et de vache	Les 100 cattia.	0	5	0	0
Peaux de rhinocéros	"	0	4	2	0
Plumes de paon, de martin-pêcheur, &c.	Le cent.	0	4	0	0
Poissons (intestins de)	Les 100 cattia.	1	0	0	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëla.	Maces.	Condarins.	Caches.
Poissons (peaux de)	Les 100 cattis.	0	2	0	0
Poisson salé	"	0	1	8	0
Poisson sec	"	0	5	0	0
Poivre noir	"	0	3	6	0
Poivre blanc	"	0	5	0	0
Poutres, bois dur n'excédant pas 7m. 98½c. en longueur, et au-dessous de 0m. 30½c. carrés	La pièce.	0	1	5	0
Planches, bois dur n'excédant pas 7m. 31c. en longueur, 0m. 30½c. en largeur et 0m. 07½c. en épaisseur, bois blanc	Par 92m. 827m.	0	7	0	0
Planches en teck	Par 0m. 0287m. cu.	0	0	3	5
Putchuck (racine dont l'odeur se rapproche de celle de la rhubarbe) ..	Les 100 cattis.	0	6	0	0
Requin (ailerons de), noirs	"	0	5	0	0
Requin (ailerons de), blancs	"	1	5	0	0
Requin (peaux de)	Le cent.	2	0	0	0
Rotins	Les 100 cattis.	0	1	6	0
Salpêtre (sous certaines réserves) ..	"	0	5	0	0
Sandal (bois de)	"	0	4	0	0
Sapan (bois de)	"	0	1	0	0
Silix (pierres à fusil)	"	0	0	3	0
Soufre et fleur de soufre (sous certaines réserves)	"	0	2	0	0
Tabac à priser, étranger	"	7	2	0	0
Télescopes, longues vues, binocles, lorgnettes, glaces et miroirs	5 p. c. ad val.				
Toile à voile en fil et en coton, n'excédant pas 45m. 71½c. en longueur ..	La pièce.	0	4	0	0
Toile de lin fine d'Irlande ou d'Ecosse, n'excédant pas 45m. 71½c. en longueur	"	0	5	0	0
Toile de lin grossière, mélange de fil et de coton ou de soie et de fil, n'excédant pas 45m. 71½c. en longueur	"	0	2	0	0
Tissus de coton :					
Cotonnades éternes, unies, croisées, et blanchies, excédant 0m. 86c. en largeur, et n'excédant pas 36m. 57c. en longueur		0	0	8	0
Coton en laine	Les 100 cattis.	0	3	5	0
Coutils et toiles fortes, n'excédant pas 0m. 76c. en largeur, et 36m. 57c. en longueur	La pièce.	0	1	0	0
Coutils et toiles fortes, n'excédant pas 0m. 76c. en largeur, et n'excédant pas 27m. 43c. en longueur	"	0	0	7	5
T. Cloth, n'excédant pas 0m. 86c. en largeur, et n'excédant pas 43m. 88½c. en longueur	"	0	0	8	0
T. Cloth, n'excédant pas 0m. 86c. en largeur, et n'excédant pas 21m. 94½c. en longueur	"	0	0	4	0
T. Cloth de couleur, façonnées et unies, n'excédant pas 0m. 91½c. en largeur et 36m. 57c. en longueur	"	0	1	5	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taela.	Maca.	Condaria.	Caches.
T. Cloth de fantaisie, brocart blanc et calicot blanc moucheté n'excédant pas 0m. 91½c. en largeur, et n'excédant pas 86m. 57c. en longueur ..	La pièce.	0	1	0	0
T. Cloth imprimées, toiles de Perse et fournitures, n'excédant pas 0m. 78½c. en largeur, et n'excédant pas 27m. 43c. en longueur ..	"	0	0	7	0
T. Cloth, n'excédant pas 1m. 16½c. en largeur, et n'excédant pas 10m. 97c. en longueur ..	"	0	0	3	5
Mousseline, n'excédant pas 1m. 16½c. en largeur, et n'excédant pas 21m. 94½c. en longueur ..	"	0	0	7	5
Mousseline, n'excédant pas 1m. 16½c. en largeur, et n'excédant pas 10m. 97c. en longueur ..	"	0	0	3	5
Damas, n'excédant pas 0m. 91½c. en largeur, et n'excédant pas 86m. 57c. en longueur ..	"	0	2	0	0
Damas, excédant 0m. 86c. en largeur, et excédant 86m. 57c. en longueur	Les 9m. 14½c.	0	0	2	0
Guingamp, n'excédant pas 0m. 81c. en largeur, et n'excédant pas 27m. 43c. en longueur ..	La pièce.	0	0	3	5
Mouchoirs, n'excédant pas 0m. 91½c. carrés ..	La douzaine.	0	0	2	5
Futaine, n'excédant pas 32m. en longueur ..	La pièce.	0	2	0	0
Velours (de coton), n'excédant pas 31m. 08½c. en longueur ..	"	0	1	5	0
Velours (de soie), n'excédant pas 31m. 08½c. en longueur ..	"	0	1	3	0
Fil ..	Les 100 cattis.	0	7	2	0
Coton filé ..	"	0	7	0	0
Tissus de laine :					
Couvertures de laine ..	La paire.	0	2	0	0
Drap et drap léger, fin et moyen, de 1m. 29½c. à 1m. 62½c. en largeur ..	Lechang(8m.65½c).	0	1	2	0
Serge de 0m. 78½c. en largeur ..	"	0	0	4	5
Camelot Anglais, 0m. 78½c. en largeur	"	0	0	5	0
Camelot Hollandais, 0m. 83½c. en largeur ..	"	0	1	0	0
Camelot imité et bombasin ..	"	0	0	3	5
Casimir, flanelle et draps étroits	"	0	0	4	0
Lastings, 0m. 78½c. en largeur ..	"	0	0	5	0
Lastings imités et d'Orléans ..	"	0	0	3	5
Etamine, n'excédant pas 0m. 61c. en largeur et 36m. 57c. en longueur ..	La pièce.	0	2	0	0
Mélanges de laine et de coton :					
Lustrine unie et façonnée, n'excédant pas 28m. 34½c. en longueur ..	"	0	2	0	0
Draps légers inférieurs ..	Lechang(8m.65½c.)	0	1	0	0
Laine en fil ..	Les 100 cattis.	3	0	0	0
Verre à vitres ..	Par boîte de 9m. 284mm. carrés.	0	1	5	0

Tarif sur les Exportations.

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëla.	Mecas.	Condarine.	Caches.
Agaric ou amadouvier	Les 100 cattis.	0	6	0	0
Ail	"	0	0	3	5
Alun	" ou 70 kil.	0	0	4	5
Amandes ou noyaux d'abricots ..	Les 100 cattis.	0	4	5	0
Anis étoilé	"	0	5	0	0
Anis brisé	"	0	2	5	0
Anis (huile d')	"	5	0	0	0
Arænic	"	0	4	5	0
Baguettes odorantes votives ..	"	0	2	0	0
Bambou (objets en)	"	0	7	5	0
Bézoard de vache	Le cattis.	0	3	6	0
Bois, pilotis, billes et poutrelles ..	La pièce.	0	0	3	0
Bois de sandal (tabletterie de) ..	Le cattis.	0	1	0	0
Bracelets de verre	Les 100 cattis.	0	5	0	0
Cannelle de Chine	"	0	6	0	0
Cannelle de Chine (boutons de) ..	"	0	8	0	0
Cannelle de Chine (tiges de) ..	"	0	1	5	0
Cannelle de Chine (huile de) ..	"	9	0	0	0
Camphre	"	0	7	5	0
Cannes	Le millier.	0	5	0	0
Cantharides	Les 100 cattis.	2	0	0	0
Capoor-cutchery (racine d'une plante qui croît en Chine et s'exporte dans l'Inde)	"	0	3	0	0
Céruse	"	0	3	5	0
Chanvre	"	0	3	5	0
Charbon de terre	"	0	0	4	0
Chaussures en cuir et en satin ..	Les 100 paires.	3	0	0	0
Chaussures en paille	"	0	1	3	0
Châtaignes	Les 100 cattis.	0	1	0	0
Chiffons de coton	"	0	0	4	5
Cinabre	"	0	7	5	0
Cire blanche ou d'insectes	"	1	5	0	0
Coir (espèce d'écorce, soit de la noix de coco, soit du palmier, dont on fait un chanvre grossier)	"	0	1	0	0
Conserves, fruits confits et confitures ..	"	0	5	0	0
Coquilles d'huîtres et coquillages ..	"	0	0	9	0
Coraux faux	"	0	3	5	0
Cornes de jeune cerf	La paire.	0	9	0	0
Cornes de vieux cerf	Les 100 cattis.	1	3	5	0
Cotons et cotonnades. (Voir à l'article tissus.)	"	"	"	"	"
Curiosités et objets antiques	5 p. c. ad val.	"	"	"	"
Couperose	Les 100 cattis.	0	1	0	0
Cuir vert	"	1	8	0	0
Objets en cuir, tels que sacoches, bourses, &c.	"	1	5	0	0
Cuivre jaune (boutons de)	"	3	0	0	0
Cuivre jaune (feuilles de)	"	1	5	0	0
Cuivre jaune (articles en)	"	1	0	0	0
Cuivre rouge (mine de)	"	0	5	0	0
Cuivre rouge (vieux doublages en) ..	"	0	5	0	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëla.	Maces.	Condarins.	Caches.
Cuivre rouge (ustensiles en), et poterie d'étain	Les 100 cattia.	1	1	5	0
Curcuma	"	0	1	0	0
Dattes noires	"	0	1	5	0
Dattes rouges	"	0	6	9	0
Ecaille (tabletterie d')	Le cattia.	0	2	0	0
Ecorces d'orange	Les 100 cattia.	0	3	0	0
Ecorces de pamplemousses, 1re qualité ..	"	0	4	5	0
Ecorces de pamplemousses, 2e qualité ..	"	0	1	5	0
Encre de Chine	"	4	0	0	0
Etain en feuilles	"	1	2	5	0
Eventails en plumes	Le cent.	0	7	5	0
Eventails en papier	"	0	0	4	5
Eventails en feuilles de palmier cerclés	Le millier.	0	3	6	0
Eventails en feuilles de palmier non cerclés	"	0	2	0	0
Feutres (rognures de)	Les 100 cattia.	0	1	0	0
Feutres (chapeaux de)	Le cent.	1	2	5	0
Ficelles de chanvre de Canton	Les 100 cattia.	0	1	5	0
Ficelles de chanvre de Sou-Tcheou	"	0	5	0	0
Fil de laiton	"	1	1	5	0
Fleurs artificielles	"	1	5	0	0
Fleurs de nénuphar sèches	"	0	2	7	0
Galanga	"	0	1	0	0
Ginseng indigène	5 p. c. ad val.				
Ginseng de Corée ou du Japon, 1re qualité	Le cattia.	0	5	0	0
Ginseng de Corée ou du Japon, 2e qualité	"	0	3	5	0
Graines oléagineuses (excepté de Nisou-Tchouang et de Tang-Tcheou)	Les 100 cattia.	0	0	6	0
Graines d'olives	"	0	3	0	0
Graines de nénuphar et de lotus	"	0	5	0	0
Gypse, terre franche ou plâtre de Paris ..	"	0	0	3	0
Habits en coton confectionnés	"	1	5	0	0
Habits en soie confectionnés	"	10	0	0	0
Huile de fèves, de thé, de bois et de graines de coton et de chanvre	"	0	3	0	0
Huile de ricin	"	0	2	0	0
Indigo sec	"	1	0	0	0
Ivoire (tabletterie d')	Le cattia.	0	1	5	0
Jambons	Les 100 cattia.	0	5	5	0
Laine	"	0	3	5	0
Laque (tabletterie de)	"	1	0	0	0
Li-tchi (fruit du sud de la Chine)	"	0	2	0	0
Long-noyau (fruit du sud de la Chine) ..	"	0	2	5	0
Long-noyau (sans noyau)	"	0	3	5	0
Lo-Kao ou teinture verte (appelée aussi indigo vert)	Le cattia.	0	8	0	0
Malles en cuir	Les 100 cattia.	1	5	0	0
Marbre (tablettes de)	"	0	2	0	0
Massicot	"	0	3	5	0
Mèches de lampes	"	0	6	0	0
Menthe (feuilles de)	"	0	1	0	0
Menthe (huile de)	"	0	3	5	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Tabla.	Mases.	Condarina.	Caches.
Miel	Les 100 cattis.	0	9	0	0
Minium	"	0	3	5	0
Mousserons	"	1	5	0	0
Musc	Le catt.	0	9	0	0
Nacre de perles (tabletterie de)	"	0	1	0	0
Nattes	Le rouleau de 36m. 75c.	0	2	0	0
Navets salés	Les 100 cattis.	0	1	8	0
Noix de galle	"	0	5	0	0
Orfèvrerie d'argent et d'or	"	10	0	0	0
Orpiment	"	0	3	5	0
Œufs conservés	Le millier.	0	3	5	0
Ouvrages de menuiserie confectionnés	Les 100 cattis.	1	1	5	0
Palampour ou piqué de coton	Le cent.	0	2	0	0
l'aillassons de toutes espèces	"	0	2	0	0
Papier huilé	Les 100 cattis.	0	4	5	0
Papier, 1re qualité	"	0	7	0	0
Papier, 2e qualité	"	0	4	0	0
Parapluies en papier	Le cent.	0	5	0	0
Peintures et images	La pièce.	0	1	0	0
Peintures sur papier de riz	Le cent.	0	1	0	0
Peinture verte	Les 100 cattis.	0	4	5	0
Pépins de pastèque	"	0	1	0	0
Perles fausses	"	2	0	0	0
Pétards et pièces d'artifices	"	0	5	0	0
Pistaches et arachides	"	0	1	0	0
Pistaches et arachides (tourteaux de)	"	0	0	3	0
Poils de chameaux	"	1	0	0	0
Poils de chèvre	"	0	1	8	0
Porcelaine fine	"	0	9	0	0
Porcelaine grossière	"	0	4	5	0
Poterie et poterie de terre	"	0	0	5	0
Poudrette en tourteaux	"	0	0	9	0
Racine de squine	"	0	1	3	0
Régliasse	"	0	1	3	5
Riz, blé, millet et autres grains	"	0	1	0	0
Rotins fendus	"	0	2	5	0
Rotins (meubles en)	"	0	3	0	0
Rhubarbe	"	1	2	5	0
Samchou	"	0	1	5	0
Sésame (graine de)	"	0	1	3	5
Soies et soieries. (Voyez à l'article tissus.)	"	0	4	0	0
Soya	"	0	1	2	0
Sucre brut	"	0	2	0	0
Sucre blanc	"	0	2	5	0
Sucre candi	"	0	2	0	0
Suif animal	"	0	3	0	0
Suif végétal	"	0	4	5	0
Tabac à fumer, préparé	"	0	1	5	0
Tabac en feuilles	"	0	8	0	0
Tabac à priser	"	1	5	0	0
Tabletterie en os et en corne	"	0	0	9	0
Tapis en crins ou peaux	La pièce.	3	5	0	0
Tapis et moquettes	Le cent.	3	5	0	0

Désignation des Articles.	Quantités.	Droits nouveaux.			
		Taëla.	Maces.	Condantina.	Caches.
Thé	Les 100 cattia.	2	5	0	0
Tissus de coton :					
Nankin et toiles de coton indigènes ..	"	1	5	0	0
Coton en laine	"	0	3	5	0
Tissus de "ma" fin	"	2	5	0	0
Tissu de "ma" grossier (connu dans le commerce sous le nom de grass-cloth	"	0	7	5	0
Tissus de soie :					
Soie grège et ouvrée	"	10	0	0	0
Soie jaune du Szé-Tchuen	"	7	0	0	0
Soie de douppions	"	5	0	0	0
Soie grège sauvage	"	2	5	0	0
Soie (déchets de)	"	1	0	0	0
Soie (cocons de)	"	3	0	0	0
Soie à coudre, de Canton	"	4	3	0	0
Soie à coudre, d'autres provinces ..	"	10	0	0	0
Rubans et fil de soie	"	10	0	0	0
Soieries :					
Foulards, châles, écharpes, crêpe, satin, gaze, velours et broderies ..	"	12	0	0	0
Satin du Szé-Tchuen et du Chang-Tong	"	4	5	0	0
Soie (lics de)	"	10	0	0	0
Soie (bonnets de)	Le cent.	0	9	0	0
Mélange de soie et de coton ..	Les 100 cattia.	5	5	0	0
Tourteaux de graines oléagineuses (excepté de Nîéou-Tchouang et de Tang-Tcheou)	"	0	0	3	5
Tresses de paille	"	0	7	0	0
Varech	"	0	1	5	0
Vermicelle	"	0	1	8	0
Vermillon	"	2	5	0	0
Vernis ou laque non préparés	"	0	5	0	0
Verrerie et cristaux	"	0	5	0	0
Verroteries	"	0	8	0	5

Règlements Commerciaux.

1er Règlement.

Les articles qui, dans le présent tarif, ne sont pas portés sur le tableau d'exportation et qui se trouvent énumérés dans celui d'importation payeront, lorsqu'ils seront exportés, les mêmes droits qui leur sont imposés par le tarif d'importation.

De la même manière, les articles non énumérés dans le tableau d'importation et qui se trouvent énoncés sur celui d'exportation payeront, lorsqu'ils seront importés, les mêmes droits qui leur sont imposés par le tarif d'exportation.

Les articles qui ne se trouvent ni dans l'un ni dans l'autre de ces

tableaux, et qui ne figurent pas parmi les marchandises libres de droits, payeront un droit de 5 pour cent, calculé d'après leur valeur sur le marché.

2me Règlement.—Articles exempts du Payement de Droits.

L'or et l'argent en barres ;	Le bois à brûler ;
La monnaie étrangère ;	La bougie et la chandelle
La farine, la farine de maïs, le	étrangères ;
sagou ;	Le tabac étranger ;
Le biscuit ;	Les cigares étrangers ;
Les conserves de viande et de	Le vin, la bière, les spiritueux ;
légumes ;	Les articles de ménage ;
Le fromage, le beurre, les	Les provisions pour les
sucreries ;	navires ;
Les vêtements étrangers ;	Le bagage personnel ;
La bijouterie ;	La papeterie ;
L'argenterie ;	Les articles de tapisserie ;
La parfumerie ;	Les articles de droguerie ;
Les savons de toutes sortes ;	La coutellerie ;
Le charbon de bois ;	Les médicaments étrangers.

Les articles énumérés ci-dessus, ne payeront ni droits d'importation, ni droits d'exportation dans les ports ouverts au commerce étranger ; mais lorsqu'ils seront transportés dans l'intérieur de la Chine, ils payeront un droit de transit de deux et demi pour cent *ad valorem*. Le bagage personnel, l'or et l'argent en barres, et la monnaie étrangère, seront exempts du payement de ce droit.

Un bâtiment affrété en entier ou en partie seulement pour le transport d'articles francs de droits (le bagage personnel, l'or et l'argent en barres, et la monnaie étrangère exceptés) sera assujéti au payement des droits de tonnage, même quand il n'aurait à bord aucune autre cargaison.

3me Règlement.—Articles de Contrebande.

L'importation et l'exportation des articles suivants sont prohibées :

La poudre à canon ;	Les fusils ;
Les boulets ;	Les pistolets ;
Les canons ;	Les munitions ou fournitures
Les pièces de campagne ;	de guerre ;
Les carabines ;	Le sel.

4me Règlement.—Poids et Mesures.

Dans les calculs du tarif, le poids d'un picul de 100 cattis, équivaldra à 60 kilogrammes 453 grammes, et la longueur d'un chang de 10 pieds Chinois sera égale à 3 mètres 55 centimètres. Le chih Chinois sera considéré comme équivalant à 355 millimètres.

5me Règlement.—Articles autrefois de Contrebande.

Les restrictions concernant le commerce de l'opium, celui de la monnaie de cuivre, celui des céréales, des légumineux, des soufres, du salpêtre et de l'espèce de zinc connue sous la dénomination Anglaise de *spelter* sont abolies, aux conditions suivantes :

1°. L'opium payera désormais 80 taëls de droits d'importation par picul. L'introduit ne pourra vendre cet article que dans le port, et il ne sera transporté dans l'intérieur de la Chine que par des Chinois, et seulement comme propriété Chinoise. Le négociant Français ne sera pas autorisé à l'accompagner.

Les Français qui, en vertu de l'Article VIII du Traité de Tien-Tsin, peuvent se rendre dans l'intérieur de l'Empire avec des passeports, et qui voudront y trafiquer, ne pourront pas y faire le commerce de l'opium. Les droits de transit sur cette denrée seront fixés par le Gouvernement Chinois, comme il le jugera convenable et au taux qu'il lui plaira, et les conventions relatives à la révision du tarif ne seront pas applicables à l'opium, comme elles le sont à toutes les autres marchandises.

2°. Monnaie de cuivre.

L'exportation de la monnaie de cuivre pour un port étranger est prohibée ; mais les sujets Français pourront en transporter de l'un des ports ouverts de la Chine dans un autre, aux conditions suivantes :

Le chargeur devra déclarer le montant de la monnaie de cuivre qu'il désire ainsi embarquer, et le port pour lequel elle est destinée. Il devra donner une caution convenable, acceptée par deux personnes solvables, ou fournir toute autre garantie que le chef de la douane jugera suffisante. Dans les 6 mois qui s'écouleront à partir de la date de l'expédition de retour, il fera parvenir au chef de la douane du port d'embarquement un certificat délivré par le chef de la douane du port de destination, qui déclarera, sous son sceau, que la monnaie de cuivre y a été débarquée. Si l'expéditeur ne produit pas ce certificat dans le délai fixé plus haut, il aura à payer une somme égale au montant de la monnaie de cuivre embarquée. La monnaie de cuivre ne payera aucun droit ; mais un chargement complet de cette monnaie, ou une simple partie de chargement, rendra le bâtiment où il se trouvera passible du paiement des droits de tonnage, même lorsqu'il n'aurait aucune autre cargaison à bord.

3°. L'exportation, pour un port étranger, du riz et de toutes autres céréales indigènes ou étrangères, quel que soit le pays de production ou le lieu d'où elles arrivent, est prohibée. Mais ces denrées pourront être transportées par les négociants Français, de l'un des ports ouverts de la Chine dans un autre, aux mêmes conditions de garantie imposées au transport de la monnaie de cuivre, et en payant, au port d'embarquement, les droits spécifiés par le tarif.

Aucun droit d'importation ne sera prélevé sur le riz et les céréales ; mais un chargement, ou une partie de chargement de riz ou de céréales, bien qu'aucune autre cargaison ne soit à bord, rendra le navire qui le portera passible du paiement des droits de tonnage.

4°. Légumineux.

Les légumineux et les gâteaux de fèves ne pourront pas être exportés sous pavillon Français des ports de Tang-Chaou et de New-Chaouang ; mais cette exportation sera permise dans les autres ports de la Chine, moyennant le paiement des droits portés au tarif, que l'exportation ait lieu pour d'autres ports de la Chine, ou pour les pays étrangers.

5°. Salpêtre, soufres et zinc.

Le salpêtre, les soufres et l'espèce de zinc dont il est fait mention dans le premier paragraphe de ce règlement, étant considérés comme munitions de guerre, ne seront pas importés par les négociants Français, à moins que le Gouvernement Chinois ne l'ait demandé, et ces articles ne pourront être vendus à des sujets Chinois, que s'ils sont dûment autorisés à les acheter. Aucun permis de débarquer ces articles ne sera délivré jusqu'à ce que la douane se soit assurée que les autorisations nécessaires ont été accordées à l'acheteur. Il ne sera pas permis aux sujets Français de transporter ces articles dans le Yang-Tzé-Kiang, ni dans aucun autre port que ceux qui sont ouverts sur les côtes maritimes de la Chine, ni de les accompagner dans l'intérieur pour le compte des Chinois.

Ces articles ne seront vendus que dans les ports seulement et, partout ailleurs que dans ces ports, ils seront considérés comme propriété Chinoise.

Toute infraction aux conditions stipulées ci-dessus, et auxquelles le commerce de l'opium, de la monnaie de cuivre, des céréales, des légumineux, du salpêtre, et du zinc, connu sous le nom de *spelter*, est autorisé, sera punie de la confiscation de toutes les marchandises dont il est question.

6me Règlement.—Formalités à observer par les Navires entrant dans le Port.

Pour éviter tout malentendu, il est convenu que le terme de 24 heures dans lequel tout capitaine de navire Français devra remettre ses papiers au Consul, conformément à l'Article XVII du Traité de Tien-Tsin, commencera à courir du moment où le navire se trouvera en dedans des limites du port.

Il en sera de même du délai de 48 heures que l'Article XX du même Traité accorde à tout navire Français et pendant lequel il pourra rester dans le port sans payer le droit de tonnage.

Les limites des ports seront déterminées par l'administration des

douanes conformément aux convenances du commerce compatibles avec les intérêts du trésor Chinois.

Les cales et autres lieux dans lesquels la douane permettra de charger et de décharger les marchandises dans chaque port seront fixés de la même manière et il en sera donné avis aux Consuls pour la connaissance du public.

Tme Règlement.—Droits de Transit.

Il est convenu que par l'Article XXIII du Traité de Tien-Tsin on entend que les droits de transit dont le taux modéré est en vigueur, et qui doivent être perçus légalement sur toute marchandise importée ou exportée par des sujets Français, équivaldront à la moitié des droits fixés par le tarif, et que les articles exempts de droits ne payeront qu'un droit de transit de deux et demi pour cent *ad valorem*, ainsi qu'il a été dit dans l'Article II de ce règlement, à l'exception de l'or, de l'argent et des bagages personnels. Les marchandises auront acquitté les droits de transit lorsqu'elles auront rempli les conditions suivantes :

Pour les importations. On donnera avis au chef de la douane du port d'où les marchandises doivent être envoyées dans l'intérieur, de la nature et de la quantité de ces marchandises, du nom du navire qui les a débarquées et du nom des lieux auxquels elles sont destinées, &c.

Le chef de la douane, après avoir vérifié cette déclaration et avoir reçu le montant des droits de transit, remettra à l'introduit-eur de ces marchandises un certificat constatant le paiement des droits de transit, certificat qui devra être produit à chaque station de barrière. Aucun autre droit, quel qu'il soit, ne pourra être prélevé sur ces marchandises dans quelque partie de l'Empire qu'elles soient transportées.

Pour les exportations: Les produits achetés par un sujet Français dans l'intérieur de la Chine seront examinés et cotés à la première barrière qu'ils rencontreront sur leur route, à partir du lieu de production jusqu'au port d'embarquement.

La personne ou les personnes chargées de leur transport présenteront une déclaration, qu'elles auront signée, relatant la valeur du produit et faisant connaître le port de destination. Il sera remis, en échange de cette déclaration, un certificat qui devra être produit et visé à chaque barrière sur la route qui conduit au port d'embarquement. A l'arrivée du produit à la barrière la plus voisine du port, il en sera donné avis à la douane de ce port, et, les droits de transit ayant été payés, ces marchandises pourront passer. Au moment de l'exportation, les droits fixés par le tarif seront payés.

Toute tentative faite pour passer les marchandises importées ou

exportées en contravention aux règlements ci-dessus énoncés rendra ces marchandises passibles de confiscation.

Une vente non autorisée, pendant le transit, de marchandises destinées, comme il est dit ci-dessus, pour un port ouvert au commerce étranger, les rendra susceptibles d'être confisquées.

Toute tentative faite pour profiter d'un certificat inexact et passer plus de marchandises qu'il n'en a été déclaré, rendra toutes les marchandises énoncées dans le certificat susceptibles d'être confisquées.

Le chef de la douane aura le droit de refuser l'embarquement de produits dont on ne pourrait pas justifier le paiement des droits de transit, et cela, jusqu'à ce que ces droits aient été payés.

Ce qui précède faisant connaître les arrangements convenus au sujet des droits de transit, qui seront ainsi prélevés ensemble et en une seule fois, l'Article IX du Traité de Tien-Tsin reçoit son application immédiate.

8me Règlement.—Commerce Etranger dans l'Intérieur au moyen de Passe-ports.

Il est convenu que l'Article VIII du Traité de Tien-Tsin ne sera point considéré comme autorisant les sujets Français à se rendre dans la capitale de la Chine pour y faire le commerce.

9me Règlement.—Abolition des Droits prélevés pour la Refonte des Monnaies.

Il est convenu que les sujets Français ne seront plus désormais assujettis au paiement du droit de un taël et deux maces, exigés jusqu'ici en sus du paiement des droits ordinaires par le Gouvernement Chinois, pour couvrir les frais de fonte et de monnayage.

10me Règlement.—Paiement des Droits sous un même Système dans tous les Ports.

Le Traité de Tien-Tsin donnant au Gouvernement Chinois le droit d'adopter toutes les mesures qui lui paraîtront convenables pour protéger ses revenus provenant du commerce Français, il est convenu qu'un système uniforme sera adopté dans tous les ports qui sont ouverts.

Le haut fonctionnaire Chinois désigné par le Gouvernement de l'Empire comme superintendant du commerce étranger pourra, de temps à autre, ou visiter lui-même les différents ports ouverts au commerce, ou y envoyer un délégué. Ce haut fonctionnaire sera libre de choisir tout sujet Français qui lui paraîtrait convenable pour l'aider à administrer les revenus de la douane, à empêcher la fraude, à déterminer les limites des ports, à pourvoir aux fonctions de capitaine de port, et aussi à établir les phares, les bouées, les

balises, etc., à l'entretien desquels il sera pourvu au moyen des droits de tounage.

Le Gouvernement Chinois adoptera toutes les mesures qu'il croira nécessaires pour prévenir la fraude dans le Yang-Tzé-Kiang, lorsque ce fleuve sera ouvert au commerce étranger.

Règlement Additionnel.

Il est convenu, entre les Hautes Parties Contractantes, que le présent tarif pourra être révisé de 10 en 10 années, afin d'être mis en harmonie avec les changements de valeur apportés par le temps sur les produits du sol et de l'industrie des deux Empires, et que, par suite de cette disposition, la période de 7 années, stipulée à cet effet dans l'Article XXVII du Traité de Tien-Tsin, est abrogée et de nulle valeur.

En foi de quoi, les Plénipotentiaires ci-dessus nommés ont signé le présent tarif et ses règlements commerciaux qui y sont annexés, et y ont apposé le sceau de leurs armes.

Fait en 4 expéditions, à Changhaï, le 24 Novembre de l'an de grâce 1858, correspondant au 19me jour de la 10me lune de la 8me année de Hien-Foung.

(L.S.) BARON GROS.

(Les 5 signatures des Plénipotentiaires Chinois.)

CONVENTION ADDITIONNELLE de Paix et d'Amitié.

Conclue à Peking, le 25 Octobre, 1860.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de la Chine, voulant mettre un terme au différend qui s'est élevé entre les deux Empires et rétablir et assurer à jamais les relations de paix et d'amitié qui existaient entre eux et que de regrettables événements ont interrompues, ont nommé pour leurs Plénipotentiaires respectifs, savoir :

Sa Majesté l'Empereur des Français, le Sieur Jean-Baptiste-Louis Baron Gros, Sénateur de l'Empire, Ambassadeur et Haut Commissaire de France en Chine, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Chevalier Grand-Croix de plusieurs ordres, etc. ;

Et Sa Majesté l'Empereur de la Chine, le Prince de Kong, membre de la Famille Impériale et Haut Commissaire ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Sa Majesté l'Empereur de la Chine a vu avec peine la conduite que les autorités militaires Chinoises ont tenue à l'embouchure de la rivière de Tien-Tsin, dans le mois de Juin de l'année dernière, au moment où les Ministres Plénipotentiaires de France

et d'Angleterre s'y présentaient pour se rendre à Pékin, afin d'y procéder à l'échange des ratifications des Traités de Tien-Tsin.

II. Lorsque l'Ambassadeur, Haut Commissaire de Sa Majesté l'Empereur des Français, se trouvera dans Pékin pour y procéder à l'échange des ratifications du Traité de Tien-Tsin, il sera traité pendant son séjour dans la capitale avec les honneurs dus à son rang, et toutes les facilités possibles lui seront données par les autorités Chinoises pour qu'il puisse remplir sans obstacle la haute mission qui lui est confiée.

III. Le Traité signé à Tien-Tsin, le 27 Juin, 1858, sera fidèlement mis à exécution dans toutes ses clauses, immédiatement après l'échange des ratifications dont il est parlé dans l'Article précédent, sauf, bien entendu, les modifications que peut y apporter la présente Convention.

IV. L'Article IV du Traité de Tien-Tsin, par lequel Sa Majesté l'Empereur de la Chine s'engage à faire payer au Gouvernement Français une indemnité de 2,000,000 de taëls est annulé et remplacé par le présent Article, qui élève à la somme de 8,000,000 de taëls le montant de cette indemnité.

Il est convenu que les sommes déjà payées par la douane de Canton à compte sur la somme de 2,000,000 de taëls stipulée par le Traité de Tien-Tsin seront considérées comme ayant été payées d'avance et à compte sur les 8,000,000 de taëls dont il est question dans cet Article.

Les dispositions prises dans l'Article IV du Traité de Tien-Tsin sur le mode de paiement établi au sujet des 2,000,000 de taëls sont annulées. Le montant de la somme qui reste à payer par le Gouvernement Chinois sur les 8,000,000 de taëls stipulés par la présente Convention, le sera en y affectant le cinquième des revenus bruts des douanes des ports ouverts au commerce étranger, et de 3 mois en 3 mois ; le premier terme commençant au 1er Octobre de cette année et finissant au 31 Décembre suivant. Cette somme, spécialement réservée pour le paiement de l'indemnité due à la France, sera comptée en piastres Mexicaines ou en argent cissé au cours du jour du paiement, entre les mains du Ministre de France ou de ses délégués.

Une somme 5,000 taëls sera payée cependant à compte, d'avance, en une seule fois, et à Tien-Tsin, le 20 Novembre prochain, ou plus tôt si le Gouvernement Chinois le juge convenable.

Une commission mixte, nommée par le Ministre de France et par les autorités Chinoises, déterminera les règles à suivre pour effectuer les paiements de toute l'indemnité, en vérifier le montant, en donner quittance et remplir enfin toutes les formalités que la comparabilité exige en pareil cas.

V. La somme de 8,000,000 de taëls est allouée au Gouvernement Français pour l'indemniser des dépenses que ses armements contre la Chine l'ont obligé de faire, comme aussi pour dédommager les Français et les protégés de la France qui ont été spoliés, lors de l'incendie des factoreries de Canton, et indemniser aussi les missionnaires Catholiques qui ont souffert dans leurs personnes ou leurs propriétés. Le Gouvernement Français répartira cette somme entre les parties intéressées dont les droits ont été légalement établis devant lui et en raison de ces mêmes droits, et il est convenu, entre les Parties Contractantes, que 1,000,000 de taëls sera destiné à indemniser les sujets Français ou protégés par la France des pertes qu'ils ont éprouvées ou des traitements qu'ils ont subis, et que les 7,000,000 de taëls restant seront affectés aux dépenses occasionnées par la guerre.

VI. Conformément à l'édit impérial rendu le 20 Mars, 1846, par l'auguste Empereur Fao-Kouang, les établissements religieux et de bienfaisance qui ont été confisqués aux Chrétiens, pendant les persécutions dont ils ont été les victimes, seront rendus à leurs propriétaires par l'entremise de son Excellence le Ministre de France en Chine, auquel le Gouvernement Impérial les fera délivrer avec les cimetières et les autres édifices qui en dépendaient.

VII. La ville et le port de Tien-Tsin, dans la province de Petchel, seront ouverts au commerce étranger, aux mêmes conditions que le sont les autres villes et ports de l'Empire où ce commerce est déjà permis, et cela à dater du jour de la signature de la présente Convention, qui sera obligatoire pour les deux nations, sans qu'il soit nécessaire d'en échanger les ratifications, et qui aura la même force et valeur que si elle était insérée mot à mot dans le Traité de Tien-Tsin.

Les troupes Françaises qui occupent cette ville pourront, après le paiement des 500,000 taëls dont il est question dans l'Article IV de la présente Convention, l'évacuer pour aller s'établir à Tacou et sur la côte nord du Changton, d'où elles se retireront ensuite dans les mêmes conditions qui présideront à l'évacuation des autres points qu'elles occupent sur le littoral de l'Empire. Les commandants en chef des forces Françaises auront cependant le droit de faire hiverner leurs troupes de toutes armes à Tien-Tsin, s'ils le jugent convenable, et de ne les en retirer qu'au moment où les indemnités dues par le Gouvernement Chinois auraient été entièrement payées, à moins cependant qu'il ne convienne aux commandants en chef de les en faire partir avant cette époque.

VIII. Il est également convenu que, dès que la présente Convention aura été signée, et que les ratifications du Traité de Tien-Tsin auront été échangées, les forces Françaises qui occupent

Chusan évacueront cette île, et que celles qui se trouvent devant Pékin se retireront à Tien-Tsin, à Takou sur la côte nord de Chang-ton, ou dans la ville de Canton, et que, dans tous ces lieux, ou dans chacun d'eux, le Gouvernement Français pourra, s'il le juge convenable, y laisser des troupes jusqu'au moment où la somme totale de 8,000,000 de taëls sera payée en entier.

IX. Il est convenu entre les Hautes Parties Contractantes que, dès que les ratifications du Traité de Tien-Tsin auront été échangées, un édit impérial ordonnera aux autorités supérieures de toutes les provinces de l'Empire de permettre à tout Chinois qui voudrait aller dans les pays situés au delà des mers pour s'y établir ou y chercher fortune, de s'embarquer, lui et sa famille, s'il le veut, sur les bâtiments Français qui se trouveront dans les ports de l'Empire ouverts au commerce étranger.

Il est convenu aussi que, dans l'intérêt de ces émigrés, pour assurer leur entière liberté d'action et sauvegarder leurs intérêts, les autorités Chinoises compétentes s'entendront avec le Ministre de France en Chine pour faire les règlements qui devront assurer à ces engagements, toujours volontaires, les garanties de moralité et de sûreté qui doivent y présider.

X et dernier. Il est bien entendu, entre les Parties Contractantes, que le droit de tonnage qui, par erreur, a été fixé, dans le Traité Français de Tien-Tsin, à 5 maces par tonneau sur les bâtiments qui jaugeant 150 tonneaux et au-dessus, et qui, dans les Traités signés avec l'Angleterre et les Etats-Unis, en 1858, n'est porté qu'à la somme de 4 maces, ne s'élèvera qu'à cette même somme de 4 maces, sans avoir à invoquer le dernier paragraphe de l'Article XXVII du Traité de Tien-Tsin, qui donne à la France le droit formel de réclamer le traitement de la nation la plus favorisée.

La présente Convention de Paix a été faite à Pékin, en 4 expéditions, le 25 Octobre, 1860, et y a été signée par les Plénipotentiaires respectifs, qui y ont apposé le sceau de leurs armes.

(L.S.) BARON GROS.

(L.S.) PRINCE DE KONG.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent Décret.

Fait à Paris, le 12 Janvier, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères, THOUVENEL.

*CORRESPONDENCE respecting the proposed Assembly of a Congress of the Great Powers of Europe, for the purpose of Settling the Affairs of Italy and other European Questions.**
—October, 1848.

Viscount Palmerston to the Marquis of Normanby.

MY LORD,

Foreign Office, October 10, 1848.

WITH reference to the proposed intervention of the Central Government of Germany in the Italian mediation, I have to observe to your Excellency that however dazzling the notion may at first sight appear of a general congress of the Great Powers of Europe, assembled for the purpose of settling all the affairs of Italy, and perhaps also of other parts of Europe, yet such a scheme would be attended in its execution with many practical difficulties, and be liable to many objections, and Her Majesty's Government have great doubts whether it would not be better that England and France should confine themselves to the humbler task of detailed and local mediation, point by point, as occasion may arise.

The Congress of Vienna, which is the example to which those persons look who incline to a renewed Congress now, was assembled under circumstances very different from those which at present exist. The tide of war had swept over the whole surface of Europe from the Rhine to Moscow, and from Moscow back to the Seine; all the smaller States of Europe had been conquered and reconquered, and were considered almost at the arbitrary disposal of the Great Powers whose armies had decided the fate of the war. The statesmen who sat in Congress therefore considered themselves at liberty to parcel out with great freedom the several territories of Europe.

The smaller Sovereigns, Princes, and States, had no representatives in the deciding Congress, and no voice in the decisions by which their future destiny was determined. They were all obliged to yield to overruling power, and to submit to decisions which were the result, as the case might be, of justice or of expediency, of generosity or of partiality, of regard to the welfare of nations, or of concession to personal solicitations.

But England, France, Austria, Prussia, and Russia have not at present any similar pretence to dispose of the affairs of any of the smaller States of Europe, either in Italy or elsewhere; and a Congress assembled for the purpose of dealing with those affairs ought, perhaps, to consist not only of the Representatives of the greater Powers, but also of Envoys from all the smaller States whose interests were therein to be treated.

* Laid before Parliament, with Correspondence respecting the Affairs of Italy. Part 3. 1849. State Papers, Vol. XLIV. Page 695.

The proceedings of such an assembly would of course be attended with much delay, and might possibly be marked by differences of opinion which might prevent any very satisfactory results from being attained. But in a matter of such grave importance Her Majesty's Government would not wish to press unduly any doubts or difficulties of this kind; and if it should be the opinion of other Powers, that a general conference of this description would contribute to the satisfactory settlement of questions now pending, and would thereby tend to preserve the peace of Europe, Her Majesty's Government would willingly concur in the arrangements which might be requisite for convening such a conference.

I am, &c.

H.E. *The Marquis of Normanby.*

PALMERSTON.

DECRET de l'Empereur des Français, portant promulgation du Traité, signé le 2 Février, 1861, entre la France et la Principauté de Monaco, relatif aux Communes de Menton et Roquebrune.—Paris, le 13 Février, 1861.

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité ayant été signé, le 2 Février, 1861, entre la France et la Principauté de Monaco, et les ratifications de cet acte ayant été échangées le 11 du même mois, ledit Traité, dont la teneur suit, recevra sa pleine et entière exécution.

TRAITE.

Les négociations qui avaient été entamées entre Sa Majesté le Roi de Sardaigne et Son Altesse Sérénissime le Prince de Monaco, par les bons offices du Gouvernement de Sa Majesté l'Empereur des Français et avec l'assentiment des autres Puissances, en vue de mettre un terme à la situation anormale dans laquelle étaient placées, depuis 1848, les communes de Menton et de Roquebrune, se trouvant sans objet et comme non-avenues par suite de la réunion du Comté de Nice à la France.

Sa Majesté l'Empereur des Français et Son Altesse Sérénissime le Prince de Monaco, animés du désir de voir cesser un état de choses aussi irrégulier que contraire aux intérêts des populations, ont décidé de conclure un Traité à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

[1860-61. LI.]

2 X

Sa Majesté l'Empereur des Français, M. Prosper Faugère, sous-Directeur des Affaires Politiques au Département des Affaires Etrangères, Officier de l'Ordre Impérial de la Légion d'Honneur, décoré de l'Ordre de Saint-Marin, Commandeur des Ordres de Saint Grégoire le Grand, du Lion de Zaehringen de Bade, du Danebrog, de Saint Olaf de Suède, des Saints Maurice et Lazare de Sardaigne, et du Nichan Iftikhar de Turquie, Grand Officier de l'Ordre du Lion et du Soleil de Perse, &c.

Et Son Altesse Sérénissime le Prince de Monaco, M. le Comte Serge-Henry d'Avigdor, Grand Croix de l'Ordre Equestre de Saint Marin, Officier de l'Ordre Impérial de la Légion d'Honneur, Grand Officier de l'Ordre du Sauveur de Grèce et de l'Ordre du Lion et du Soleil de Perse, Commandeur de l'Ordre de François Ier des Deux-Siciles, de l'Ordre de Saint Louis de Parme et de l'Ordre de Saint-Charles de Monaco, Officier de l'Ordre Royal des Saints Maurice et Lazare de Sardaigne, décoré de la Médaille du Mérite de Saint-Marin, &c.

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des stipulations suivantes :

ART. I. Son Altesse Sérénissime le Prince de Monaco renonce à perpétuité, tant pour lui que pour ses successeurs, en faveur de Sa Majesté l'Empereur des Français, à tous ses droits directs ou indirects sur les communes de Menton et de Roquebrune, quelles que soient l'origine et la nature de ces droits, sauf la réserve mentionnée dans l'Article III ci-dessous.

La ligne de démarcation entre le territoire de l'Empire Français et celui de la principauté de Monaco sera tracée, le plus tôt possible, par une Commission Mixte, en conséquence de la disposition qui précède.

II. La renonciation consentie en l'Article précédent est faite à Sa Majesté l'Empereur des Français moyennant une somme de 4,000,000, qui sera payée à Son Altesse Sérénissime le Prince de Monaco, en numéraire, les 15 jours qui suivront l'échange des ratifications du présent Traité.

III. Les propriétés particulières appartenant à Son Altesse Sérénissime le Prince de Monaco dans les communes de Menton et de Roquebrune, dont le Prince a été dépossédé en 1848, et dont la désignation sera fournie par Son Altesse Sérénissime, ne sont pas comprises dans la renonciation mentionnée en l'Article premier ci-dessus.

Une Commission Mixte sera chargée d'examiner et d'indiquer les mesures qu'il conviendra de prendre pour assurer au Prince les bénéfices de cette réserve, sans préjudice pour les droits que des tiers auraient à faire valoir. Il est entendu que la compétence de cette Commission n'est nullement exclusive de celle des tribunaux s'il était nécessaire d'y recourir.

IV. Sa Majesté l'Empereur des Français s'engage à accorder des pensions de réforme ou de retraite aux anciens fonctionnaires ou employés au service du Prince de Monaco dans les communes de Menton et de Roquebrune, et qui seront désignés par Son Altesse Sérénissime, jusqu'à concurrence d'une somme totale annuelle de 4,000 francs. Ces pensions s'étendront par le décès des titulaires.

V. Sa Majesté l'Empereur des Français s'engage à entretenir en bon état et à ses frais, en l'élargissant et la rectifiant sur les points qui seront convenus entre les administrations respectives, dans son parcours sur le territoire de Roquebrune, la route déjà construite qui, partant de celle de Nice à Gênes dite de la Corniche, aboutit à la ville de Monaco.

Le Prince de Monaco s'oblige à laisser construire et fonctionner sur le territoire de la Principauté, moyennant entente préalable entre les administrations respectives en ce qui concerne les détails d'exécution, sans que le Prince soit tenu à aucune subvention ni garantie d'intérêt, la partie du chemin de fer qui serait construit de Nice à Gênes et traverserait ledit territoire. De son côté, Sa Majesté l'Empereur des Français s'engage à établir, dans un délai prochain, une route carrossable de Nice à Monaco par le littoral ; il est entendu que chacun des deux Gouvernements supportera la dépense de la portion de cette route afférente à son territoire.

VI. Une union de douanes sera effectuée entre l'Empire Français et la Principauté de Monaco.

Les conditions de cette union seront réglées par un acte spécial, de même que ce qui concerne la vente des poudres et des tabacs, le service des postes et des lignes télégraphiques, et, en général, les relations de voisinage entre les deux pays.

VII. Les sujets de Son Altesse Sérénissime le Prince de Monaco originaires de Menton et de Roquebrune, ou actuellement domiciliés dans ces communes, qui entendront conserver la nationalité de Monaco, jouiront, pendant un an, à partir de l'échange des ratifications du présent Traité, et moyennant une déclaration faite à l'autorité compétente, de la faculté de transporter leur domicile dans la Principauté et de s'y fixer ; en ce cas, leur ancienne nationalité leur sera maintenue.

Ils seront libres de conserver leurs immeubles situés sur le territoire de Menton et de Roquebrune.

VIII. Les habitants de ces deux communes actuellement au service du Prince de Monaco pourront continuer d'y rester sans perdre leur qualité de sujets Français, à la seule condition de déclarer leur intention à cet égard à l'Agent Consulaire de Sa Majesté Impériale à Monaco, dans le délai de 3 mois, à compter de la ratification du présent Traité.

IX. Le présent *Traité* sera ratifié, et les ratifications en seront échangées à Paris, dans le délai de 10 jours.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait en double expédition, à Paris, le 2 Février de l'an de grâce, 1861.

(L.S.) P. FAUGERE.

(L.S.) S. HY. D'AVIGDOR.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 13 Février, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères TROUVENEL.

DECRET de l'Empereur des Français, portant promulgation de la Convention Consulaire, conclue le 10 Décembre, 1860, entre la France et le Brésil.—Paris, le 17 Mars, 1861.

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention Consulaire ayant été conclue, le 10 Décembre, 1860, entre la France et le Brésil, et les ratifications de cet Acte ayant été échangées à Paris, le 9 Mars, 1861, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur du Brésil, reconnaissant l'utilité de déterminer et de fixer, d'une manière claire et définitive, les droits, privilèges et immunités réciproques des Consuls, Vice-Consuls et Chanceliers, ainsi que leurs fonctions et les obligations auxquelles ils seront respectivement soumis dans les deux pays, ont résolu de conclure une Convention Consulaire, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, le Sieur Joseph Léonce, Chevalier de Saint Georges, Commandeur de l'Ordre Impérial de la Légion d'Honneur, de l'Ordre du Christ du Brésil et de l'Ordre des Saints Maurice et Lazare de Sardaigne, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Rio de Janeiro ;

Et Sa Majesté l'Empereur du Brésil, le Sieur Joaõ Lins Vieira Cansansaõ de Sinimbù, Sénateur de l'Empire, Commandeur des Ordres du Christ et de la Rose, Grand Croix de l'Ordre Impérial d'Autriche de la Couronne de Fer, Ministre Secrétaire d'Etat au département des Affaires Etrangères.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :

ART. I. Les Consuls-Généraux, Consuls et Vice-Consuls nommés par le Brésil et la France, seront réciproquement admis et reconnus en présentant leurs provisions, selon la forme établie dans les territoires respectifs.

L'exequatur nécessaire pour le libre exercice de leurs fonctions leur sera délivré sans frais et sur l'exhibition dudit exequatur ; les autorités administratives et judiciaires des ports, villes ou lieux de leur résidence, les y feront jouir immédiatement des prérogatives attachées à leurs fonctions dans leur arrondissement Consulaire respectif.

II. Les Consuls-Généraux, Consuls et Vice-Consuls respectifs, et les chanceliers attachés à leurs missions, jouiront dans les deux pays des privilèges généralement attribués à leur charge, tels que l'exemption des logements militaires et celle de toutes les contributions directes, tant personnelles que mobilières ou somptuaires, à moins toutefois qu'ils ne deviennent, soit propriétaires, soit possesseurs temporaires de biens immeubles, ou enfin qu'ils ne fassent le commerce, pour lesquels cas, ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers.

Les Consuls-Généraux, Consuls et Vice-Consuls dans les deux pays jouiront, en outre, de l'immunité personnelle, excepté pour les faits et actes que la législation pénale en France qualifie de crimes et punit comme tels, et, s'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de commerce, et non pour causes civiles.

Ils pourront placer au-dessus de la porte extérieure de leurs maisons un tableau aux armes de leur nation, avec une inscription portant ces mots : Consulat de France ou Consulat du Brésil ; et, aux jours de solennités publiques, nationales ou religieuses, ils pourront aussi arborer sur la maison Consulaire un pavillon aux couleurs de leur pays. Toutefois, ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile ; elles serviront, avant tout, à désigner aux matelots ou aux nationaux l'habitation Consulaire.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Chanceliers, attachés à leur mission, ne pourront être sommés de comparaître devant les tribunaux du pays de leur résidence ; quand la justice locale aura besoin de prendre auprès d'eux quelque information

juridique, elle devra la leur demander par écrit, ou se transporter à leur domicile pour la recueillir de vive voix.

Les élèves Consuls jouiront des mêmes privilèges et immunités personnelles que les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires.

En cas de décès, d'empêchement ou d'absence des Consuls-Généraux, Consuls et Vice-Consuls, les élèves Consuls et Chanceliers ou Secrétaires seront admis de plein droit à gérer par intérim les affaires de l'établissement Consulaire, sans empêchement ni obstacle de la part des autorités locales, qui leur donneront au contraire toute aide et assistance, et les feront jouir, pendant la durée de leur gestion intérimaire, de tous les droits, privilèges et immunités stipulés dans la présente Convention en faveur des Consuls-Généraux, Consuls et Vice-Consuls.

Pour l'exécution du paragraphe antérieur, il est convenu que les chefs de postes Consulaires, à leur arrivée dans le pays de leur résidence, devront envoyer au Gouvernement une liste nominale des personnes attachées à leur mission, et si, pendant sa durée, quelque changement s'opérait dans ce personnel, ils lui en donneront également avis.

Il est spécialement entendu que, lorsque l'une des deux Hautes Parties Contractantes choisira pour son Consul ou Agent Consulaire, dans un port ou dans une ville de l'autre partie, un sujet de celle-ci, ce Consul ou agent continuera à être considéré comme sujet de la nation à laquelle il appartient, et qu'il sera, par conséquent, soumis aux lois et réglemens qui régissent les nationaux dans le lieu de sa résidence, sans que cependant cette obligation puisse gêner en rien l'exercice de ces fonctions, ni porter atteinte à l'inviolabilité des archives Consulaires.

III. Les archives, et en général les papiers de chancellerie des Consultats respectifs, seront inviolables; sous aucun prétexte, ni dans aucun cas, ils ne pourront être saisis ni visités par l'autorité locale.

IV. Les Consuls-Généraux, Consuls et Vice-Consuls, ou ceux qui en rempliront les fonctions, pourront s'adresser aux autorités de leur résidence et, au besoin, à défaut d'agent diplomatique de leur nation, recourir au Gouvernement supérieur de l'Etat dans lequel ils résident, pour réclamer contre toute infraction qui aurait été commise par des autorités ou fonctionnaires dudit Etat aux Traités ou Conventions existant entre les deux pays ou contre tout autre abus dont leurs nationaux auraient à se plaindre, et ils auront le droit de faire toutes les démarches qu'ils jugeraient nécessaires pour obtenir prompt et bonne justice.

V. Les Consuls-Généraux et Consuls respectifs seront libres d'établir des Agents, Vice-Consuls ou Agents Consulaires dans les

différentes villes, ports ou lieux de leur arrondissement Consulaire où le bien du service qui leur sera confié l'exigera, sauf bien entendu l'approbation et l'exequatur du Gouvernement territorial. Ces agents pourront être également choisis parmi les citoyens des deux pays et parmi les étrangers, et ils seront munis d'un brevet délivré par le Consul-Général ou Consul qui les aura nommés, et sous les ordres duquel ils devront servir.

Ils jouiront d'ailleurs des mêmes immunités et privilèges stipulés par la présente Convention en faveur des Consuls, sauf les exceptions mentionnées dans l'Article II.

VI. Les Consuls-Généraux, Consuls et Vice-Consuls respectifs auront le droit de recevoir dans leur chancellerie ou à bord des navires de leur pays, les déclarations ou autres actes que les capitaines ou passagers, négociants et sujets de leur nation, voudront y passer, même leurs testaments ou dispositions de dernière volonté, ou tous autres actes notariés, alors même que lesdits actes auraient pour objet de conférer hypothèque.

Cependant quand ces actes auront rapport à des biens fonciers situés dans ledit pays, un notaire écrivain public compétent du lieu, sera appelé à y concourir et à les signer avec le chancelier ou l'agent, sous peine de nullité.

Les Consuls-Généraux, Consuls et Vice-Consuls respectifs auront, en outre, le droit de recevoir dans leurs chancelleries tous actes conventionnels entre un ou plusieurs de leurs nationaux et d'autres personnes du pays où ils résident, et même tout acte conventionnel concernant des sujets de ce dernier pays seulement, pourvu, bien entendu, que ces actes aient rapport à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le Consul ou l'agent devant lequel ils seront passés.

Les expéditions desdits actes, dûment légalisées par les Consuls-Généraux, Consuls et Vice-Consuls, et munies du cachet officiel de leur Consulat ou Vice-Consulat, feront foi en justice devant tous les tribunaux, juges et autorités de France et du Brésil, au même titre que les originaux, et auront respectivement la même force et valeur que s'ils avaient été passés devant les notaires et autres officiers publics compétents du pays, pourvu que ces actes soient passés dans la forme voulue par les lois de l'Etat auquel le Consul appartient, et qu'ils aient été préalablement soumis à toutes les formalités de timbre, à l'enregistrement, insinuation, et à toutes les autres formalités qui régissent la matière dans le pays où l'acte doit recevoir son exécution.

VII. En cas de décès d'un sujet de l'une des deux Parties Contractantes sur le territoire de l'autre, les autorités locales compétentes devront immédiatement en avvertir les Consuls-Généraux, Consuls et Vice-Consuls du district, et ceux-ci devront, de leur côté,

donner le même avis aux autorités locales s'ils en ont connaissance les premiers.

En cas de décès de leurs nationaux morts sans avoir laissé d'héritiers ou d'exécuteurs testamentaires, ou dont les héritiers ne seraient pas connus, seraient absents ou incapables, les Consuls-Généraux, Consuls, ou Vice-Consuls devront faire les opérations suivantes :

1°. Apposer les scellés, soit d'office, soit à la réquisition des parties intéressées, sur tous les effets mobiliers et les papiers du défunt, en prévenant d'avance de cette opération l'autorité locale compétente, qui pourra y assister, et même, si elle le juge convenable, croiser de ses scellés ceux qui auront été apposés par le Consul, et dès lors, ces doubles scellés ne seront levés que d'un commun accord.

2°. Dresser aussi en présence de l'autorité locale compétente, si elle croit devoir s'y présenter, l'inventaire de tous les biens et effets qui étaient possédés par le défunt.

En ce qui concerne la double opération tant de l'apposition des scellés, laquelle devra toujours avoir lieu dans le plus bref délai, que de l'inventaire, les Consuls-Généraux, Consuls et Agents Vice-Consuls fixeront, de concert avec l'autorité locale, le jour et l'heure où ces deux opérations devront avoir lieu, ils la feront prévenir par écrit, et elle donnera un récépissé de l'avis qu'elle aura reçu. Si l'autorité locale ne se rend pas à l'invitation qui lui aura été faite, les Consuls procéderont, sans retard et sans autre formalité, aux deux opérations précitées.

Les Consuls Généraux, Consuls et Agents Vice-Consuls, feront procéder, selon l'usage du pays, à la vente de tous les objets mobiliers de la succession qui pourraient se détériorer; ils pourront administrer ou liquider en personne, ou bien nommer, sous leur responsabilité, un agent pour administrer ou liquider la succession, sans que l'autorité locale ait à intervenir dans ces nouvelles opérations, à moins qu'un ou plusieurs sujets du pays ou d'une puissance tierce n'aient à faire valoir des droits dans cette même succession; car, en ce cas, s'il s'élevait quelque difficulté résultant d'une réclamation donnant lieu à contestation, le Consul n'ayant point le droit de décider sur cette difficulté, elle devra être déferée aux tribunaux locaux, auxquels il appartient de la résoudre, le Consul agissant alors comme représentant de la succession. Le jugement rendu, le Consul devra l'exécuter, s'il ne croit pas à propos de former appel, et si les parties ne se sont pas arrangées à l'amiable, et il continuera ensuite de plein droit la liquidation qui aurait été suspendue en attendant la décision du tribunal.

Lesdits Consuls-Généraux, Consuls et Vice-Consuls seront toutefois tenus de faire annoncer la mort du défunt dans une des gazettes

de leur arrondissement, et ils ne pourront faire la délivrance de la succession ou de son produit aux héritiers légitimes ou à leurs mandataires, qu'après avoir fait acquitter toutes les dettes que le défunt pourrait avoir contractées dans le pays, ou qu'autant qu'une année se sera écoulée depuis la date du décès sans qu'aucune réclamation ait été présentée contre la succession.

Il est, en outre, entendu que le droit d'administrer et de liquider les successions des Français décédés au Brésil appartiendra au Consul de France, même dans le cas où les héritiers seraient mineurs, enfants de Français nés au Brésil, par réciprocité de la faculté qu'ont les Consuls du Brésil en France d'administrer ou de liquider les successions de leurs nationaux dans les cas analogues.

VIII. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires, la sûreté des marchandises, biens et effets, les sujets des deux pays seront respectivement soumis aux lois et statuts du territoire; cependant, les Consuls-Généraux, Consuls et Vice-Consuls respectifs seront exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation, et connaîtront seuls de tous les différends qui surviendraient entre le capitaine, les officiers et les gens portés, à quelque titre que ce soit, sur le rôle d'équipage. Les autorités locales ne pourront y intervenir qu'autant que les désordres qui en résulteraient seraient de nature à troubler la tranquillité publique, ou quand une ou plusieurs personnes du pays, ou étrangères à l'équipage, s'y trouveraient mêlées.

Dans tous les autres cas, lesdites autorités se borneront à prêter main-forte aux Consuls-Généraux, Consuls et Vice-Consuls, lorsque ceux-ci la requerront, pour faire arrêter et conduire en prison ceux des individus de l'équipage qu'ils jugeraient à propos d'y envoyer à la suite de ces différends.

IX. Les Consuls-Généraux, Consuls et Vice-Consuls pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les matelots et toutes les autres personnes faisant régulièrement partie des équipages des bâtiments de leur nation respective à un autre titre que celui de passagers qui auraient déserté lesdits bâtiments. A cet effet, ils s'adresseront, par écrit, aux autorités locales compétentes et justifieront, par l'exhibition des registres du bâtiment et du rôle d'équipage, ou, si le navire est parti, par la copie des pièces dûment certifiées par eux, que les hommes qu'ils réclamaient faisaient partie dudit équipage; sur cette demande ainsi justifiée, la remise ne pourra leur être refusée.

Il leur sera donné, de plus, toute aide et assistance pour la recherche, saisie et arrestation desdits déserteurs, qui seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais des agents précités, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si, pourtant, cette occasion ne se présen-

tait pas dans un délai de 3 mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté, et ne pourraient plus être arrêtés pour la même cause.

Néanmoins, si le déserteur avait commis, en outre, quelque délit à terre, son extradition pourra être différée par les autorités locales, jusqu'à ce que le tribunal compétent ait dûment statué sur le dernier délit, et que le jugement intervenu ait reçu son entière exécution.

Il est également entendu que les marins et autres individus faisant partie de l'équipage, sujets du pays où la désertion a eu lieu, sont exceptés des stipulations du présent Article.

X. Toutes les fois qu'il n'y aura pas de stipulations contraires entre les armateurs, les chargeurs et les assureurs, les avaries que les navires des deux pays auraient éprouvées en mer en se rendant dans les ports respectifs seront réglées par les Consuls-Généraux, Consuls et Vice-Consuls de leur nation, à moins cependant que des sujets du pays où résiderait le Consul ne se trouvaient intéressés dans cette avarie ; car, dans ce cas, elles devraient être réglées par l'autorité locale, chaque fois qu'un compromis amiable ne sera pas intervenu entre les parties intéressées.

XI. Toutes les opérations relatives au sauvetage des navires Français naufragés ou échoués sur les côtes du Brésil seront dirigées par les Consuls-Généraux, Consuls et Vice-Consuls de France, et réciproquement les Consuls-Généraux, Consuls et Vice-Consuls Brésiliens dirigeront les opérations relatives au sauvetage des navires de leur nation naufragés ou échoués sur les côtes de France.

L'intervention des autorités locales aura seulement lieu dans les deux pays, pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées, et la fiscalisation des impôts respectifs. En l'absence, et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il est de plus convenu que les marchandises sauvées ne seront tenues à aucun droit de douane, à moins qu'elles ne soient admises à la consommation intérieure.

XII. Les Consuls-Généraux, Consuls et Vice-Consuls respectifs, ainsi que les élèves Consuls, Chanceliers, ou Secrétaires, jouiront, dans les deux pays, de tous les autres privilèges, exemptions et immunités qui pourraient, par la suite, être accordés aux agents du même rang de la nation la plus favorisée.

XIII. La présente Convention restera en vigueur pendant 10 ans, à partir du jour de l'échange des ratifications, qui aura lieu à Paris, dans le délai de 4 mois, ou plus tôt, si faire se peut.

Dans le cas où aucune des Parties Contractantes n'aurait notifié, 12 mois avant l'expiration de ladite période de 10 ans, son intention d'en faire cesser les effets, la Convention continuera à rester en vigueur encore une année, et ainsi de suite, d'année en année, jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Parties l'aura dénoncée.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Fait en double original et signé à Roi-de-Janeiro, le 10ème jour du mois de Décembre de l'an de grâce 1860.

(L.S.) LE CHEVALIER DE SAINT-GEORGES.

(L.S.) JOAO LINS VIEIRA CANSANSAO DE
SINIMBU.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 17 Mars, 1861.

Par l'Empereur :

NAPOLÉON.

Le Ministre des Affaires Etrangères THOUVENEL.

*DECRET de l'Empereur des Français, qui prescrit la publication de la Déclaration, signée le 25 Mars, 1861, entre la France et la Suisse, relative à l'Exportation des Sels.—
Paris, le 27 Mars, 1861.*

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat du Département des Affaires Etrangères.

Avons décrété et décrétons ce qui suit :

ART. I. Une déclaration relative à l'exportation des sels de France, signée, d'une part, par notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères, et, d'autre part, par l'Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse à Paris, ayant été échangée entre les deux Gouvernements, le 25 Mars, 1861, ladite déclaration, dont la teneur suit, est approuvée et sera insérée au bulletin des lois.

DECLARATION.

Le Gouvernement de Sa Majesté l'Empereur des Français et le Gouvernement de la Confédération Suisse, ayant résolu, d'un commun accord, de mettre un terme aux fraudes auxquelles donne lieu

l'exportation des sels de l'Empire à destination du pays de Gex, de la Haute-Savoie et de la Suisse occidentale, et qui sont également préjudiciables aux règles cantonales et au fisc Français, sont convenus des dispositions suivantes :

1° Les sels qui seront expédiés des marais salants, des salines ou des entrepôts de France, sur les cantons Suisses, pour être introduits dans la zone de Gex et de la Savoie du Nord, devront acquitter, avant leur sortie de France, aux bureaux des Douanes ou des contributions indirectes établis près de ces marais salants, salines ou entrepôts, la taxe légale de consommation.

En arrivant à la frontière suisse, les conducteurs de ces sels devront justifier de l'acquittement de l'impôt par un certificat ou passavant de la Douane Française du point de sortie, lequel certificat ou passavant, après avoir été visé par l'administration cantonale, accompagnera les sels jusqu'à leur destination dans la zone Française.

Il demeure entendu, en outre, que le transit à travers le territoire suisse ne pourra s'opérer que moyennant un acquit-à-caution de l'administration fédérale des péages.

2°. Si des sels sont expédiés du territoire suisse dans la zone de Gex ou de la Savoie du Nord, avis préalable de cette expédition sera donné par l'administration cantonale au directeur des Douanes à Chambéry, pour la Savoie du Nord, et à celui de Bourg, pour le pays de Gex. Cet avis indiquera exactement le point de la frontière par lequel les sels devront pénétrer dans la zone.

Ces sels seront, en outre, accompagnés d'un acquit-à-caution délivré par l'administration cantonale, lequel acquit-à-caution, après avoir été annoté par les agents des Douanes ou des contributions indirectes qui auront opéré la perception de la taxe, sera renvoyé à l'administration cantonale, qui aura ainsi la preuve que les sels sont arrivés à la destination déclarée.

3°. La vente des sels dans les cantons de Vaud, du Valais et de Genève, étant régis par l'Etat, l'expédition des marais salants, salines ou entrepôts de France, en franchise du droit de consommation, des chargements de sels destinés pour l'approvisionnement de la Suisse, ne sera permise que sur la production d'une déclaration délivrée par le Gouvernement cantonal respectif, et indiquant la quantité de sel à expédier.

Le transport des sels en Suisse sera assuré par un acquit-à-caution qui ne sera déchargé qu'autant qu'il aura été revêtu, par l'administration locale des péages fédéraux, d'un certificat constatant que la quantité y mentionnée est réellement parvenue à sa destination.

En foi de quoi, nous, Ministre et Secrétaire d'Etat au département des Affaires Etrangères de Sa Majesté l'Empereur des Français,

avons signé le présent Acte pour être échangé contre une déclaration correspondante du Gouvernement de la Confédération Suisse.

Fait à Paris, le 25 Mars, 1861.

(L.S.) THOUVENEL.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires étrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 27 Mars, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères THOUVENEL.

DECRET de l'Empereur des Français, portant promulgation de la Convention de Délimitation, signée le 7 Mars, 1861, entre la France et la Sardaigne.—Paris, le 31 Mars, 1861.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention de délimitation entre la France et la Sardaigne ayant été signée le 7 Mars, 1861, et les ratifications de cet acte ayant été échangées à Turin, le 16 du même mois, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté le Roi de Sardaigne, voulant, en exécution du Traité conclu entre eux le 24 Mars, 1860,* prendre, d'un commun accord, les dispositions nécessaires pour que les limites, indiquées en termes généraux comme séparant désormais l'Empire Français des Etats royaux, soient fixées d'une manière précise, détaillée et définitive, ainsi que dans l'esprit le plus conforme aux intérêts des sujets des deux Souverains, ont chargé des officiers d'état-major de leurs armées de procéder, en qualité de commissaires nommés à cet effet, à l'opération du tracé de la ligne de délimitation sur le terrain et sur les plans géographiques, de même qu'à l'étude locale et à la désignation préliminaire des rectifications, échanges et arrangements spéciaux à stipuler, soit pour établir une démarcation convenable, soit pour favoriser, des deux côtés les propriétaires frontaliers dans des vues communes d'équité; ces commissaires s'étant acquittés de leur

mission conformément aux instructions qu'ils avaient reçues, leurs dites Majestés ont résolu de conclure, d'après les bases ci-dessus énoncées, une Convention de délimitation entre leurs Etats respectifs, et elles ont, dans ce but, constitué des Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. le Comte Aloys de Rayneval, Chevalier de l'Ordre Impérial de la Légion d'Honneur, &c., Chargé des Affaires de France à Turin ;

Et Sa Majesté le Roi de Sardaigne, M. Dominique Carutti de Cantogno, Commandeur de l'Ordre Royal des Saints Maurice et Lazare, Chevalier de l'Ordre du Mérite Civil de Savoie, &c., Membre de l'Académie des Sciences, &c., Secrétaire Général du Ministère des Affaires Etrangères de Sardaigne ;

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Du côté de la Savoie, la nouvelle frontière suivra la limite actuelle entre le Duché de Savoie et le Piémont, sauf les modifications ci-après.

Au petit Saint-Bernard, le tracé sera déterminé de la manière suivante :

Depuis le bec des Rolles ou Lancebranlette, qui fait partie de la crête des Alpes, il atteindra en ligne droite la source du torrent des Lanches et le suivra jusqu'au dessous et à l'ouest de l'hospice, en laissant le petit lac du côté du Piémont. Une borne sera placée au point où l'ancienne limite rencontrait ce torrent.

A l'est, la ligne de démarcation sera l'ancienne limite entre les communes de Scez et de la Thuille jusqu'à 110 mètres avant sa rencontre avec la route du Col (borne). Là elle fera un angle droit, rejoindra le ruisseau qui coule à l'est et près de l'hospice, et suivra ce ruisseau jusqu'à son intersection avec la ligne élevée perpendiculairement au chemin qui conduit de l'oratoire à l'hospice, à 100 mètres de ce dernier établissement. Cette même perpendiculaire, par sa rencontre avec le torrent des Lanches, terminera de ce côté la limite entre les deux Etats. Une borne sera placée à l'intersection du chemin de l'oratoire avec la perpendiculaire. Annexe No. 3 (a).

Au col du grand Mont-Cenis, la frontière sera tracée suivant la ligne de partage des eaux. L'auberge de la Ramasse marque un point de cette ligne en restant du côté de la France. Une borne sera placée à l'angle sud-est de cette maison. A droite et à gauche de la route, des bornes seront élevées, indiquant visiblement la frontière, jusqu'au sommet des montagnes qui dominent le col, et qu'on appelle Loulioun à l'est, et la Ture à l'ouest. Ces bornes seront au nombre de 4 à l'est et de deux à l'ouest, et placées comme l'indique le croquis ci-annexé sous le No. 4 (b).

Au col du petit Mont-Cenis, la ligne de partage des eaux sera aussi la ligne de démarcation entre les deux Etats. Le hameau de Coulour, habité seulement l'été, est situé sur le col même. Au centre des 4 maisons qui le composent se trouve, tout près et à l'ouest du chemin, un petit mamelon dont le sommet est un point de la ligne de séparation des eaux (borne). A droite et à gauche, la ligne de démarcation remonte jusqu'au sommet des montagnes qui dominent le col ; elles portent le nom de Rochers-des-Lacs, à l'est, et Belle-Combe, à l'ouest. Les bornes, au nombre de 3 de chaque côté du chemin, sont placées comme l'indique le croquis ci-annexé sous le No. 4 (c).

D'autres cols ou passages plus ou moins praticables existent entre le Duché de Savoie et le Piémont. Des bornes y seront placées partout où il sera jugé nécessaire.

II. Du côté de l'arrondissement de Nice, la frontière entre les deux Etats sera la suivante :

De l'Enchastraya à la cime de Colla-Lunga, la crête des Alpes, des bornes seront placées aux cols et passages suivant la ligne de séparation des eaux. De la cime de Colla-Lunga, la ligne de démarcation suivra la crête qui s'en détache vers le sud, ainsi que le petit vallon qui se trouve dans cette même direction, jusqu'à la rencontre avec le chemin de Saint-Etienne à Colla-Lunga (borne). De là, elle ira en ligne droite à la pointe occidentale de Lous Cloutas (borne), puis à Sierrera del Camp (borne), en traversant la gorge du Cloutas en ligne droite. De la borne de Sierrera del Camp, elle suivra la ligne de partage des eaux, et, passant par le Serre del Terrassier, les Rochers du Crest, qui le terminent, près de la maison dite Lou Stalet, qui reste du côté de la France, et sur le Coulet, où une borne sera placée, elle ira aboutir au confluent de la Guercia et du Castiglione.

Entre la borne del Camp et l'origine du Serre del Terrassier, il sera placé deux bornes, comme l'indique le dessin ci-joint (annexe No. 5).

Au confluent de la Guercia et du Castiglione, sont deux gros rochers sur lesquels sera marquée la ligne frontière. De ces rochers, elle remontera par la crête abrupte de Serre de Vial jusqu'au petit col (borne) compris entre Testa de Ballarout et la cime de Cialance, rejoindra cette dernière cime et descendra jusqu'à la Tinéa par le torrent nommé Pusé vers sa source, et vallon de Buona-Nueuce dans la partie inférieure de son cours. Du vallon de Buona-Nueuce à 250 mètres au-dessous du vallon de Molières, le thalweg de la Tinéa sera la ligne de démarcation.

Là d'énormes rochers, couronnés par le plateau de Beaucier dominant la rive gauche de la Tinéa, une marque tracée sur ces rochers, puis la pointe de Cairiglios, qui s'élève au nord du plateau

susmentionné, fixeront la ligne de démarcation, qui traversera ainsi les rochers de Manval.

De la pointe de Cairiglios, la ligne suivra d'abord les rochers qui bordent le plateau au nord, et prendra ensuite la direction de la crête qui descend du point le plus élevé de Malaneut (borne). Cette crête porte les noms de Serriera del Pel, Serre del Pel, la Tira, et Riba de las Planas ; elle passe à la cabane du Cluot de Ciay, à la borne de Ciay, et entre les deux maisons de Maissia. De Malaneut à la Penna Blanca, la ligne de démarcation traversera le vallon de Los Clapetos en ligne droite ; de là, en suivant la crête, elle passera à la Rocca-Rougia, et joindra le confluent des deux sources du Mijes ; elle suivra ce ruisseau, qui prend le nom de Cabana-Vieglià, jusqu'à son confluent avec le vallon de Gasc, remontera ce dernier vallon, puis celui de Costa Baudina, et atteindra ainsi la pointe de la Raya, d'où elle ira, en ligne droite, à la cime du Baus de la Fréma. Du Baus de la Fréma, la limite des deux Etats suivra la crête qui descend au col de la Balma de la Fréma (borne) ; de ce col, tournant vers le nord-est, elle arrivera en ligne droite à la naissance du vallon des Amberts, et suivra ce vallon jusqu'à sa rencontre avec la limite des communes de Val di Blora et Saint-Martin-Lantosca (borne). Elle se confondra avec cette limite jusqu'au Balaur-Soubran (borne), en passant par le Balaur-Soutan. De là, elle rejoindra en ligne droite l'origine du vallon d'Arcias, et le descendra jusqu'à son confluent avec le val de Borreone. Depuis le confluent du vallon d'Arcias jusqu'à 30 mètres en amont de celui de Valliera del Saut, le thalweg du Borreone sera la ligne de démarcation. A la hauteur de ce point et sur la rive gauche du vallon, se trouvent de grandes masses de rochers, la ligne frontière les traversera en ligne droite pour atteindre la cime inférieure de Piagu (borne).

De la cime de Piagu à la crête qui règne entre le vallon de Madonna di Finestre et le vallon de Gordolasca, la ligne de démarcation suivra le vallon de Madame (une borne sera placée à l'intersection de ce vallon avec le chemin qui conduit au col de Finistre), descendra celui de Finestre et, après 120 mètres de parcours, remontera le vallon del Mare-Soutan pour aller aboutir aux rochers (borne) qui se trouvent sur cette crête entre la Testa del Mare à l'ouest, et celle du Cimiteri à l'est. La ligne frontière suivra alors la crête en passant par la cime de Fuon-Freja, Mont-Clapeiretta, Mont-Lapassé, Testa del Cinant, Cima del Pertu di Prals, et arrivera à la cime de la Valletta, où une borne sera placée. De là elle ira en ligne droite à l'origine du vallon de la Valletta, qu'elle suivra jusqu'à sa rencontre avec le Gordolasca, remontera ce vallon jusqu'à 150 mètres au-dessous du pont de la Cabana (borne), prendra le vallon de la Testouletta et atteindra ainsi la cime de

Casaleh, puis, en suivant la crête, le Cappelletto, et enfin la Cima del Diavolo.

De la Cima del Diavolo se détache un contre-fort qui forme au sud le bassin de la Miniera. La ligne de démarcation en suivra la crête, qui forme déjà la limite entre les communes de Tenda et Saorgio, et dont les points remarquables sont : Cima di Macruera, Cima del lac Carbone, lo Scandai, Pointe dell'Arme del Becco, Pointe del Violé, Cima del Vespé, Cima della Nauca et Monte-Gaurone. Du signal géodésique de Monte-Gaurone, la ligne frontière continuera à suivre la limite entre les communes susindiquées qui, passant par les rochers dei Corvi, va, de la pointe méridionale de ces rochers, rejoindre en ligne droite l'origine du vallon de Paganin en traversant les rochers de Balma Garbata. De là elle descend ce dernier vallon jusqu'à la Roya (borne), remonte cette rivière jusqu'au confluent du vallon de Groa, qu'elle suit jusqu'à sa source, et se confond ensuite, jusqu'à la pointe dite Commune (borne), avec les limites de Briga et de Saorgio, qui passent par Bassa de Giasque, le vallon de Bendola, vallon de la Borega, Cima de Pegairole, &c. De la pointe commune, la ligne de démarcation ira à la pointe Arpetta. De l'Arpetta, elle descendra par le vallon de Crauzel dans celui de Carlava, qu'elle suivra jusqu'au vallon de Ciapela Valgrana, remontera ce dernier vallon, passera à la croix de Meirisa (borne), atteindra en ligne droite la tête du vallon dell'Amore, et suivra ce ruisseau jusqu'à sa rencontre avec la limite qui sépare les communes de Breglio et de Penna (borne). De là, sauf au sud de la Cima del Borco, entre les points A et B marqués sur le dessin (Annexe No. 6), où elle sera tracée suivant la crête qui forme à l'ouest le bassin de la Bassera, elle suivra la limite entre les arrondissements de Nice et de Saint-Remo qui passe par les hauteurs de Damasco, coupe la Roya, suit le vallon du Rio, la crête qui descend du col de Brouis par Testa di Paola et Mont-Grazian, traverse la Bevera, passe par Testa di Cuore, la Serrea, les rochers de Montacier, le Grammondo, les rochers de Compassi, Testa dell'Ausura, les rochers de Corna, la roche Longbeira et Castello del Lupo; elle continuera de suivre cette limite environ 200 mètres vers le sud, jusqu'à la pointe (borne) qui se trouve entre Castello del Lupo et le Monte-Carpano. De là, passant par ce dernier mont, la Gardieura et la cime della Giranda, elle descendra par les rochers de ce nom et ira aboutir à l'entrée du pont de Saint-Louis, qui reste au Piémont (borne). Du pont à la mer, le thalweg du ruisseau de Saint-Louis formera la ligne frontière.

III. Il est entendu que la fixation de la limite de souveraineté ne portera aucune atteinte aux droits de propriété et d'usage, non plus qu'aux servitudes actives et passives des particuliers, des communes et des établissements publics des pays respectifs.

[1860-61. XL.]

2 Y

Les Français propriétaires, à la date du Traité d'Annexion de la Savoie et du Comté de Nice à la France, de terres situées en Piémont dans le demi-myriamètre de la nouvelle frontière, et les Piémontais propriétaires, à la même date et dans les mêmes limites, de terres situées en France, jouiront de la liberté d'importer en France et dans les Etats-Sardes, sans avoir à acquitter aucun droit de douane ni à la sortie, ni à l'entrée, soit du Piémont, soit de la France, les denrées provenant de la récolte de ces terres, ainsi que les coupes de bois, le lait, le beurre, les fromages et la laine ayant la même origine.

Dans les limites qui viennent d'être indiquées, les Français propriétaires dans les Etats-Sardes, et les Piémontais propriétaires en France seront admis à transporter en franchise, d'un pays dans l'autre, les engrais destinés à l'amendement de leurs terres et les grains nécessaires aux semences.

IV. Les produits ci-dessus mentionnés provenant, dans le Comté de Nice, des territoires Piémontais compris entre la frontière et la crête des Alpes et appartenant, soit à des populations Françaises, soit aux hameaux de Molières, de la Lionne et de la Guercia, soit aux deux communes de Tenda et Briga, entreront en France librement sans avoir à acquitter aucun droit de Douane.

V. Les communes Françaises dont les territoires s'étendent au delà de la crête des Alpes jouiront, pour l'exploitation de la partie de leurs biens situés en arrière de cette crête, de toutes les immunités mentionnées dans les Articles III et IV.

VI. Entre Colla-Lunga et le Mont-Clapier, les Douanes Piémontaises ne dépasseront pas la crête des Alpes, et, dans les parages du Mont-Cenis, elles ne s'avanceront pas au delà des anciennes limites des communes de Lans-le-Bourg et de Bramant.

Il est entendu que leur action ne pourra s'exercer, dans aucun cas, en avant de ces lignes ainsi fixées.

VII. Les délits et contraventions qui pourraient avoir lieu sur le Mont-Cenis et sur les territoires compris entre la ligne frontière et la crête des Alpes, depuis Colla-Lunga jusqu'au Mont-Clapier, seront constatés par les gardes champêtres des communes Françaises auxquelles ces territoires appartiennent.

Ces gardes champêtres devront être assermentés devant un tribunal Sarde, et leurs procès-verbaux seront mis en poursuite devant ce même tribunal.

VIII. Les bois appartenant à des communes Françaises et situés dans le Comté de Nice entre la ligne frontière et la crête des Alpes seront administrés par les agents du Gouvernement Français ; toutefois, ces agents ne seront appelés qu'à constater les délits ou contraventions en matière forestière qui seraient commis par des Français résidant en France, et leurs procès-verbaux ne pourront être mis en poursuite que devant les tribunaux Français.

IX. Les propriétaires Français ou Piémontais qui voudront profiter des immunités susindiquées seront tenus de déclarer aux bureaux des Douanes Françaises et Sardes les plus voisins l'étendue, la valeur, le genre de culture des terres et le nombre de têtes de bétail dont ils auront à importer ou à exporter les produits. Ils devront, en outre, justifier de leur possession par le dépôt, dans les mêmes bureaux de Douane, soit de titres de propriété, soit de copies authentiques de ces titres, soit enfin de certificats de notoriété délivrés par les maires, ou de certificats des conservateurs des hypothèques.

Chaque année, des déclarations seront faites dans la saison des récoltes pour indiquer, au moins approximativement, les quantités de produits qu'on devra importer.

Dans le cas où les déclarations seraient reconnues par les Douanes Françaises ou Sardes être exagérées, on aura recours à une commission d'agriculteurs, au nombre de 3, dont l'un sera nommé en France par le sous-préfet de l'arrondissement, le second en Sardaigne par l'intendant.

Le troisième expert sera désigné par les deux premiers, et, à défaut d'entente de ceux-ci, par le maire sur le territoire duquel la contestation se sera produite. Leur avis fera règle, au moins provisoirement, sauf aux deux Gouvernements à s'entendre, s'il y avait lieu, pour le faire réformer.

X. Les délais pour l'exportation et l'importation en franchise des produits énoncés en l'Article III, provenant de propriétés limitrophes, sont fixés ainsi qu'il suit :

Pour les bois, le lait, le beurre, les fromages, la laine et les engrais, durant toute l'année ;

Pour les produits de vendange (le moût encore muet et le vin en fermentation), à partir de la récolte jusqu'à la fin de Novembre ;

Pour les olives fraîches, les oranges, les fleurs et feuilles d'oranger, à partir de la récolte jusqu'au 1er Juillet de l'année suivante ;

Pour tous les autres produits de la terre dits produits naturels, depuis la récolte jusqu'au mois d'Avril de l'année suivante.

XI. Pour être admis au bénéfice de la franchise à l'entrée, les produits, autres que le beurre et les fromages devront être présentés dans l'état même où l'agriculture est dans l'usage de les enlever du lieu de l'exploitation. Les bois, notamment, devront être bruts, et les céréales ne devront avoir été ni battues ni engrangées.

Toutefois, dans les localités où les transports ont lieu à dos de bêtes, les céréales pourront être importées en grains, et il est entendu que les pays mentionnés à l'Article IV de la présente Convention sont dans ce cas.

Les importations en franchise ne pourront s'effectuer que par

les bureaux où les déclarations et les titres de propriété auront été déposés.

Chaque envoi devra, en outre, être accompagné d'une déclaration expresse du propriétaire, portant que la quantité de . . . provient réellement des terres qu'il possède dans les conditions de la présente Convention, et qu'il affirme ne les avoir pas encore vendues.

XII. Les fermiers, soit Français, soit Piémontais, jouiront respectivement, au même titre et sous les mêmes conditions que le propriétaire lui-même, des privilèges afférents aux propriétés limitrophes.

XIII. Dans les conditions prévues par la présente Convention, la faculté d'exportation en franchise sera acquise, à la sortie de France, à tous les Piémontais propriétaires, en France, de terres limitrophes, et, à la sortie du Piémont, à tous les Français propriétaires, en Piémont, de terres limitrophes, pourvu que leur propriété soit justifiée, et sans qu'on ait à examiner comment la propriété leur est échue.

Mais, en ce qui concerne la faculté d'importation en franchise, les privilèges attribués, de chaque côté, aux propriétaires en possession au moment de l'annexion de la Savoie et du Comté de Nice à la France, ne seront transmissibles à leurs héritiers qu'autant que ces héritiers seront, suivant le cas, Français ou Sardes, et seulement aussi lorsque les biens-fonds leur écherront personnellement, soit en ligne directe, soit en ligne collatérale au premier degré, en vertu des lois sur les successions, et seulement jusqu'à concurrence de leur part individuelle. Les héritiers seront tenus de faire les justifications nécessaires.

Les susdits privilèges s'étendent aussi aux usufructiers, lorsque la propriété reste aux héritiers en ligne directe, et aux héritiers en ligne collatérale au premier degré.

Les droits au bénéfice du régime des propriétés limitrophes à l'importation s'éteignent quand il y a succession en ligne collatérale au delà du premier degré, transmission à titre de donation ou de legs, ou par vente et mutation de propriété à titre volontaire.

XIV. Les restrictions mentionnées aux paragraphes 2, 3, et 4 de l'Article précédent ne sont pas applicables aux propriétés du Mont Cenis tant qu'elles appartiendront à des Français, ni aux propriétés comprises entre la crête des Alpes et la ligne frontière.

Toutefois, les propriétaires des immeubles placés dans ces conditions demeureront assujettis aux obligations déterminées par l'Article IX de la présente Convention.

XV. Les Français qui ont des troupeaux en France, près de la nouvelle frontière, et les Piémontais qui ont des troupeaux dans les États Sardes, près de la susdite frontière, pourront envoyer libre-

ment ces troupeaux aux pacages qu'ils possèdent à l'étranger, et à ceux de l'étranger, à charge seulement de souscrire, au moyen d'acquits-à-caution levés aux bureaux de Douane Français et Sardes, l'engagement de les réintroduire ou de les réexporter, suivant qu'il y aura lieu, dans un délai de 6 mois.

Les jeunes bêtes nées à l'étranger, pendant le pacage jouiront de la franchise à la sortie et à l'entrée. Dans le cas prévu par le présent Article, le crédit pour l'exportation ou l'importation des fourrages devra, en outre, être réduit dans la proportion des quantités consommées par les troupeaux qui auront été envoyés aux pacages d'un pays dans l'autre.

XVI. A cet Acte sont annexés :

Sous le No. 1.—Le protocole signé à Paris, le 27 Juin, 1860, par le Général de Brigade Marquis de Beaufort d'Hautpoul, Commissaire Français, et par le Major-Général Comte Pettiti et le Lieutenant-Colonel Federici, Commissaires Sardes.

Sous le No. 2.—Deux Protocoles signés l'un à Nice, le 26 Novembre, 1860, et l'autre à Turin, le 16 Février, 1861, par le Lieutenant-Colonel d'Etat-Major Galinier, et le Chef d'Escadron d'Etat-Major Smet, Commissaires Français, et par le Lieutenant-Colonel d'Etat-Major Federici et le Capitaine d'Etat-Major Ricci, Commissaires Sardes.

Sous le No. 3.—La carte au cinquante millième de la frontière de la Savoie, depuis le Mont Grapi'lon, du côté de la Suisse, jusqu'au Mont Tabor, où la limite de la Savoie rejoint la frontière de la France.

Sous le No 4.—Trois croquis au dix millième des cols du petit Saint Bernard et des deux Mont Cenis qui seront remplacés par des plans réguliers à la même échelle.

Sous le No. 5.—La carte au cinquante millième depuis l'Enchas-traye jusqu'à la cime de Colla Lunga.

Sous le No. 6.—Les plans au dix millième depuis la cime de Colla Lunga jusqu'à la mer.

Sous le No. 7.—Le dessin figuratif des poteaux.

Les documents mentionnés sous les Nos. 3, 4, 5, 6 et 7, sont contresignés par les Commissaires Français et Sardes.

XVII. La présente Convention sera ratifiée par Sa Majesté l'Empereur des Français et par Sa Majesté le Roi de Sardaigne, et les ratifications en seront échangées à Turin, dans le délai d'un mois, ou plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait en double original à Turin, le 7 Mars, 1861.

(L.S.) C. A. DE RAYNEVAL,

(L.S.) CARUTTI.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 31 Mars, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères, TROUVENEL.

DECRET de l'Empereur des Français, portant promulgation de la Convention d'Extradition, conclue le 11 Avril, 1860, entre la France et le Chili.—Paris, le 15 Mai, 1861.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention ayant été conclue, le 11 Avril, 1860, entre la France et la République du Chili, pour l'extradition réciproque des malfaiteurs, et les ratifications de cet acte ayant été échangées, le 9 Octobre, 1860, entre les deux Gouvernements, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

Le Gouvernement de Sa Majesté l'Empereur des Français et le Gouvernement de la République du Chili, désirant, d'un commun accord, conclure une Convention pour l'extradition réciproque des malfaiteurs, ont nommé à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Mathieu Limperani, son Chargé d'Affaires et Consul Général au Chili ;

Son Excellence le Président de la République du Chili, M. Francisco-Xavier Ovalle, citoyen de ladite République ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement Impérial de France et le Gouvernement de la République du Chili s'engagent, par la présente Convention, à se livrer, réciproquement, à l'exception de leurs nationaux, les individus réfugiés du Chili en France et de France en Chili, qui seraient poursuivis ou condamnés par les tribunaux compétents pour les crimes énoncés ci-après.

L'extradition devra se demander par l'intermédiaire de l'Agent

Diplomatique ou Consul-Général que chacun des deux Gouvernements aura accrédité auprès de l'autre.

II. Les crimes à raison desquels l'extradition sera accordée sont les suivants :

- 1°. Assassinat ;
- 2°. Homicide, à moins qu'il n'ait été commis dans le cas de légitime défense ou par imprudence.
- 3°. Parricide.
- 4°. Infanticide.
- 5°. Empoisonnement.
- 6°. Avortement.
- 7°. Castration.
- 8°. Viol.
- 9°. Association de malfaiteurs.
- 10°. Extorsion de titres et de signatures.
- 11°. Incendie volontaire.
- 12°. Vol commis avec violence, escalade, effraction ou autre circonstance aggravante lui donnant le caractère de crime ou de vol qualifié, et le rendant punissable par les lois des deux pays d'une peine afflictive ou infamante.
- 13°. Faux en écritures publiques ou authentiques de documents privés, de valeurs ou billets de banque, de titres de la dette publique de chacun des deux Gouvernements, de mandats, effets ou rescriptions ou autres effets de commerce ; mais ne seront pas compris dans ces faux ceux qui, suivant la législation du pays dans lequel ils se commettraient, ne sont point punissables d'une peine afflictive ou infamante.
- 14°. Fabrication, introduction ou circulation de fausse monnaie, contrefaçon ou altération de papier-monnaie et des sceaux ou timbres de l'Etat dans les empreintes pour lettres ou autres effets publics, comme aussi émission ou circulation de ces effets contrefaits ou altérés.
- 15°. Contrefaçon des coins et sceaux de l'Etat servant à monnayer ou à marquer les matières métalliques.
- 16°. Soustraction de fonds publics et concussions commises par des fonctionnaires publics, mais seulement dans le cas où ces délits seraient punissables d'une peine afflictive ou infamante, suivant la législation du pays où ils auraient été commis.
- 17°. Banqueroute ou faillite frauduleuse.
- 18°. Baraterie, dans le cas où les faits qui la constituent, et la législation du pays auquel appartient le bâtiment, en rendent les auteurs passibles d'une peine afflictive ou infamante.
- 19°. Insurrection de l'équipage d'un navire, dans le cas où les individus faisant partie de cet équipage se seraient emparés du bâtiment, ou l'auraient livré à des pirates.

20°. Soustraction frauduleuse des fonds, argent, titres ou effets appartenant à une compagnie ou société industrielle ou commerciale ou autre corporation, par une personne employée chez elle ou ayant sa confiance, ou agissant pour elle, lorsque cette compagnie ou corporation est légalement établie, et que les lois punissent ces crimes d'une peine infamante. L'extradition s'appliquera aux individus accusés ou condamnés comme auteurs ou complices desdits crimes.

III. L'extradition ne sera accordée qu'au cas où la demande en viendra accompagnée, soit d'une sentence de condamnation, soit d'un mandat d'arrêt ou d'un autre document ayant au moins la même force, et pourvu que l'expédition de ces documents soit faite par les tribunaux compétents et dans la forme prescrite par la législation du pays qui la demande.

L'Etat qui demande l'extradition devra joindre aussi le signalement de l'individu réclamé, et indiquer également la nature et la gravité des faits à lui imputés, ainsi que la disposition pénale applicable à ces faits.

IV. Nonobstant la stipulation faite dans l'Article précédent, chacun des deux Gouvernements pourra demander, par la voie Diplomatique, l'arrestation immédiate et provisoire d'un fugitif en s'engageant à présenter dans le terme de 6 mois, ou moins s'il était possible, les documents justificatifs d'une demande formelle d'extradition. Le Gouvernement à qui sera adressée cette demande pourra accorder ou refuser l'arrestation à sa volonté, et, en aucun cas, il ne l'accordera, s'il s'agit d'un prévenu n'étant pas citoyen du pays qui le réclame.

Lorsque l'arrestation provisoire aura été accordée, si le délai indiqué s'est écoulé sans que les documents en question aient été exhibés, le détenu sera mis immédiatement en liberté.

V. Si l'individu réclamé est poursuivi pour un crime ou délit commis par lui dans le pays où il est réfugié, son extradition sera différée ou retardée jusqu'à ce que le jugement qui se suit contre lui soit rendu, ou jusqu'à ce qu'il ait subi la peine qui lui sera infligée. La même chose aura lieu si, au moment de la réclamation de l'extradition, il se trouve détenu pour une condamnation antérieure.

VI. Si l'individu réclamé n'est pas citoyen ou sujet de l'un des deux Gouvernements, l'extradition pourra être suspendue jusqu'à ce que le Gouvernement auquel appartient le réfugié ait été consulté et invité à faire connaître les motifs qu'il pourrait avoir de s'opposer à l'extradition.

Dans tous les cas, le Gouvernement saisi de la demande d'extradition restera libre de donner à cette demande la suite qui lui paraîtra convenable, et de livrer le réfugié pour être jugé, soit au

souverain de son propre pays, soit à celui du pays où le crime aura été commis.

VII. Dans aucun cas, le fugitif qui aura été livré à l'un des deux Gouvernements ne pourra être puni pour délits politiques antérieurs à la date de l'extradition, ni pour un crime ou délit autre que ceux énumérés dans la présente Convention.

Les tentatives d'assassinat, d'homicide ou d'empoisonnement contre le chef d'un Gouvernement étranger ne seront pas réputés crimes politiques pour l'effet de l'extradition. Ne seront pas non plus considérés comme crimes politiques ceux énumérés dans cet Article, lorsqu'ils seront commis contre l'héritier immédiat de la Couronne de France.

VIII. L'extradition n'aura pas lieu s'il s'est écoulé un temps suffisant pour que le poursuivi ou le condamné puisse opposer la prescription de la peine ou de l'action d'après les lois du pays où le prévenu s'est réfugié.

IX. Les objets meubles à l'usage personnel du prévenu qui se trouveraient en sa possession lors de son arrestation, de même que ceux qu'il aurait volés et ceux qui pourraient servir à la preuve du crime qu'on lui impute, seront livrés au moment où s'effectuera l'extradition.

X. Les deux Gouvernements renoncent à la restitution des frais résultant de l'arrestation, de la détention, de l'entretien et du transport de l'accusé ou du condamné jusqu'au port où il devra s'embarquer pour se rendre à sa destination.

XI. Lorsque, dans la poursuite d'une cause criminelle, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés sur le territoire de l'autre, il adressera une commission rogatoire par la voie Diplomatique, au Gouvernement du pays où devra se faire cette enquête, et celui-ci prescrira les mesures nécessaires pour que ladite enquête ait lieu selon les règles.

Les deux Gouvernements renoncent à la réclamation des frais de cette procédure.

XII. La présente Convention sera en vigueur pendant 5 ans, à compter du jour de l'échange des ratifications, et si, 12 mois avant l'expiration de ce terme, ni l'une ni l'autre des deux Parties contractantes n'annonce, par une déclaration officielle, son intention d'en faire cesser l'effet, ladite Convention restera obligatoire pendant une année, et ainsi de suite jusqu'à l'expiration des 12 mois qui suivront la déclaration officielle en question, à quelque époque qu'elle ait lieu.

Cette Convention sera ratifiée et les ratifications en seront échangées à Santiago, dans le délai de 18 mois, ou plus tôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et scellée.

Fait à Santiago du Chili, le 11ème jour du mois d'Avril, 1860.

(L.S.) M. LIMPERANI.

(L.S.) FCO. XAVIER OVALLE.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 15 Mai, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères THOUVENEL.

*DECRET de l'Empereur des Français, portant promulgation du
Traité de Commerce, conclu le 1er Mai, 1861, entre la France
et la Belgique.—Paris, le 27 Mai, 1861.*

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut :

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité de Commerce, suivi de 4 tarifs, ayant été conclu, le 1er Mai, 1861, entre la France et la Belgique ; et les ratifications de cet acte ayant été échangées à Paris, le 27 Mai, 1861, ledit Traité, dont la teneur suit, recevra sa pleine et entière exécution.

TRAITE.

Sa Majesté l'Empereur des Français et Sa Majesté le Roi des Belges, également animés du désir de resserrer les liens d'amitié qui unissent les deux peuples, et voulant améliorer et étendre les relations commerciales entre leurs Etats respectifs, ont résolu de conclure un Traité à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Thouvenel, Sénateur de l'Empire, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, Chevalier de l'Ordre de Léopold de Belgique, &c., son Ministre Secrétaire d'Etat au Département des Affaires Etrangères ; et M. Rouher, Sénateur de l'Empire, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, &c., son Ministre et Secrétaire d'Etat au Département de l'Agriculture, du commerce et des Travaux Publics ;

Et Sa Majesté le Roi des Belges, M. Firmin Rogier, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Officier de l'Ordre Impérial de la Légion d'Honneur &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français; et M. Charles Liedts, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, &c., son Ministre d'Etat en Mission Extraordinaire près Sa Majesté l'Empereur des Français;

Lesquels après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les objets d'origine ou de manufacture Belge, énumérés dans le Tarif A joint au présent Traité, et importés directement par terre ou par mer sous pavillon Français ou Belge, seront admis en France aux droits fixés par le dit tarif, décimes additionnels compris.

II. Les objets d'origine ou de manufacture Française, énumérés dans le Tarif B joint au présent Traité, et importés directement par terre ou par mer sous pavillon Belge ou Français, seront admis en Belgique aux droits fixés par ledit tarif, centimes additionnels compris.

III. Les droits à l'exportation de l'un des deux Etats dans l'autre sont modifiés conformément aux Tarifs C et D annexés au présent Traité.

IV. Indépendamment des droits de Douane stipulés dans le Tarif A annexé au présent Traité, les produits d'origine ou de manufacture Belge ci-dessous énumérés seront, à leur importation en France, et à titre de compensation des droits équivalents supportés par les fabricants Français, assujettis aux taxes supplémentaires ci-après déterminées :

	Fr. c.	
Soude brute	4 35	les 100 kilo.
Cristaux de soude	4 35	id.
Sulfate de soude :		
Sulfate pur :		
Anhydre	6 00	id.
Cristallisé ou hydraté	2 40	id.
Sulfate impur :		
Anhydre	5 40	id.
Cristallisé ou hydraté	2 10	id.
Sulfite de soude	6 00	id.
Sel de soude	11 00	id.
Acide hydrochlorique	3 00	id.
Chlorure de chaux	7 50	id.
Chlorate de potasse	66 00	id.
Chlorure de magnésium	4 00	id.
Glares ou grands miroirs	1 00	le mètre superficiel.
Gobeletterie, verres à vitres et autres verres blancs	2 00	les 100 kilo.
Bouteilles	0 80	id.
Outremer factice	6 75	id.
Sel ammoniac	10 00	id.
Soude de varech	1 50	id.

Salin ou résidu brut de la calcination des vinasses					Fr. c.	
de betterave .. .. .	..	..	..	..	1 25	les 100 kilo.
Sel d'étain .. .. .	..	..	..	..	3 00	id.
Savons:						
Savons blancs ou marbrés, composés d'alcalis						
et d'huile d'olive ou de graines grasses,						
pures ou mélangées de graisses animales:						
L'huile entrant pour la moitié au moins dans						
le mélange des corps gras						
					8 20	id.
L'huile entrant pour moins de moitié dans						
le mélange des corps gras						
					6 00	id.
De graisses animales:						
Savons purs						
					6 00	id.
Mélanges de résine						
					6 20	id.
Savons d'huile de palme ou de coco mélangés						
de graisses animales						
					4 00	id.
Savons de couleur, composés d'huile de						
graine ou de graisses animales						
					6 00	id.
Alcool pur, liqueurs, eaux-de-vie en bouteilles ..						
					90 00	l'hectolitre.
Bière						
					2 40	id.
Vernis à l'esprit de vin, par hectolitre d'alcool						
pur contenu dans le vernis						
					90 00	id.

Il est entendu que le sucre brut et les sucres raffinés ne sont pas compris dans cette nomenclature, parce que les droits de 32, de 41 et de 44 francs par cent kilogrammes, fixés à l'importation de ces produits, comprennent l'impôt de consommation dont ils sont actuellement grevés en France.

V. Il est convenu entre les Hautes Parties Contractantes que, dans le cas de suppression ou de réduction des drawbacks actuellement existant à l'exportation des produits Français, les taxes supplémentaires imposées par l'Article précédent aux produits d'origine ou de manufacture Belge, seront supprimées ou réduites de sommes égales à celles dont seraient diminués ces drawbacks.

Toutefois, en cas de suppression, si le Gouvernement établit une surveillance, un contrôle ou un exercice administratif sur certains produits fabriqués Français, les charges directes ou indirectes dont seront grevés les fabricants Français, seront compensées par une surtaxe équivalente établie sur les produits similaires Belges.

Il demeure, en outre, convenu que si les drawbacks sont accordés à d'autres produits de fabrication Française, ou si les drawbacks actuels sont augmentés, les droits qui grèvent les produits d'origine ou de fabrication Belge pourront être augmentés, s'il y a lieu, d'une surtaxe égale au montant de ces drawbacks.

Les drawbacks établis à l'exportation des produits Français ne pourront être que la représentation exacte des droits d'accise grevant lesdits produits ou les matières dont ils sont fabriqués.

La Belgique jouira des mêmes droits que ceux que se réserve la France que les dispositions qui précèdent.

VI. Si l'une des Hautes Parties Contractantes juge nécessaire d'établir un droit d'accise nouveau ou un supplément de droit d'accise sur un article de production ou de fabrication nationale compris dans les tarifs annexés au présent Traité, l'article similaire

étranger pourra être immédiatement grevé à l'importation d'un droit égal.

Toutefois, les droits d'accise sur les vins en Belgique ne pourront être augmentés.

VII. Les marchandises de toute nature, originaires de l'un des deux pays et importées dans l'autre, ne pourront être assujetties à des droits d'accise ou de consommation supérieurs à ceux qui grèvent ou grèveraient les marchandises similaires de production nationale. Toutefois, les droits à l'importation pourront être augmentés des sommes qui représenteraient les frais occasionnés aux producteurs nationaux par le système de l'accise.

VIII. Le tarif pour l'entrée en Belgique du sel brut, d'origine Française, importé directement par terre ou par mer, sous pavillon Français ou Belge, est réglé ainsi qu'il suit :

Sel brut :—Libre.

Les sels marins bruts, d'origine Française, importés directement de France en Belgique par mer jouiront, dans ce dernier pays, à titre de déchet sur le taux des droits d'accise, d'une bonification de 7 pour cent en sus de celle qui pourrait être accordée aux sels de toute autre provenance.

Pour être admis à jouir de la réfaction de 7 pour cent, les sels marins Français devront être accompagnés d'un certificat délivré par les Agents Consulaires Belges, ou, à leur défaut, par l'administration des Douanes du port d'embarquement, et attestant que ces sels n'ont été soumis en France à aucune opération de raffinage. Faute de remplir cette condition, les intéressés n'obtiendront la déduction de 7 pour cent qu'en fournissant la preuve du raffinage en Belgique.

La saumure est assimilée au sel brut et taxée à raison de la quantité de sel qu'elle contient, d'après la proportion fixée par la législation Belge.

Le sel raffiné d'origine Française sera admis en exemption de droits d'entrée pour les usages auxquels la législation Belge accorde l'exemption du droit d'accise sur le sel brut.

Le Gouvernement Belge se réserve de limiter à certains bureaux de Douane l'importation par terre de sels Français et de prescrire pour le transport de ces sels des conditions propres à assurer la perception des droits.

IX. Les sucres d'origine ou de fabrication Belge, importés directement par terre ou par mer, sous pavillon Français ou Belge, sont admis en France aux droits ci-après :

Raffinés (droit de consommation compris)	41 fr. les 100 kilo.
Candis (droit de consommation compris)	44 id.
Bruts de betterave (non compris le droit de consommation de 80 francs)	2 id.

Les sucres d'origine ou de fabrication Française, importés directement par terre ou par mer, sous pavillon Français ou Belge, seront admis en Belgique aux droits ci-après :

Raffinés, mélis, lumps et candis (droit d'accise compris) ..	60 f.	les 100 kilo.
Bruts de betterave (non compris le droit d'accise de 45 francs pour cent kilog.)	1	20 id.

Comme conséquence des tarifs qui précèdent, il est convenu entre les Hautes Parties Contractantes que :

1°. Le droit d'accise en Belgique sera fixé à 45 francs par 100 kilogrammes sur les sucres bruts de canne et de betterave ;

2°. Le taux des décharges à l'exportation sera réduit savoir :

A 60 francs par 100 kilogrammes pour le sucre candi sec, dur et transparent, reconnu tel par la Douane ;

A 55 francs 50 centimes par 100 kilogrammes pour les sucres raffinés en pains, mélis et lumps blancs, bien épurés et durs ;

Et enfin à 45 francs pour tous les autres sucres raffinés de qualité inférieure ;

3°. Les tares sur les sucres bruts de canne seront fixées dans les deux pays d'une manière uniforme d'après le poids moyen effectif des emballages, après une vérification faite contradictoirement dans les ports d'Anvers, de Gand, du Havre, de Nantes et de Bordeaux.

X. Si la législation sur les sucres bruts ou raffinés dans l'un des deux Etats est ultérieurement modifiée, les tarifs réciproquement fixés par l'Article précédent à l'importation des sucres bruts, raffinés ou candis, en France ou en Belgique, seront revisés d'un commun accord entre les Hautes Parties Contractantes ; jusqu'à ce que cet accord soit intervenu, chaque Puissance pourra modifier les droits à l'importation des sucres provenant des Etats de l'autre Puissance.

XI. Le droit d'accise établi en Belgique sur les vins d'origine Française sera réduit ainsi qu'il suit, savoir :

A partir du 1er Juillet, 1861	à 27 f. 50 c. l'hectolitre.
A partir du 1er Janvier, 1862	à 25 00 id.
A partir du 1er Juillet, 1863	à 22 50 id.

Le droit d'entrée en Belgique sur les vins d'origine Française est fixé ainsi qu'il suit :

Vins :—En cercles	0 f. 50 c. l'hectolitre.
En bouteilles	1 50 id.

Ne seront pas réputés vins, les liquides contenant une quantité d'alcool supérieure à 21 pour cent.

XII. Les articles d'orfèvrerie et de bijouterie en or, en argent, platine ou autres métaux, importés de l'un des deux pays, seront soumis dans l'autre au régime de contrôle établi pour les articles

similaires de fabrication nationale et payeront, s'il y a lieu, sur la même base que ceux-ci, les droits de marque et de garantie.

XIII. Indépendamment du régime d'entrée établi par le présent Traité à l'égard des produits non originaires de Belgique, ces mêmes produits seront soumis aux surtaxes de navigation dont sont ou pourront être frappés les produits importés en France, sous pavillon Français, d'ailleurs que des pays d'origine.

XIV. Les marchandises de toute origine, importées de France par la frontière de terre, seront admises à l'entrée en Belgique aux mêmes droits que si elles y étaient importées directement de France par mer et sous pavillon Français.

Les marchandises spécifiées ou non en l'Article XX de la loi du 28 Avril, 1816, importées de Belgique par la frontière de terre, seront admises, pour la consommation intérieure de l'Empire, moyennant l'acquittement des droits établis pour les provenances autres que celles des pays de production, sous pavillon Français. Toutefois, pour les cafés, la surtaxe ne dépassera pas 5 francs par 100 kilogrammes, décimes compris.

Pendant la durée du présent Traité, aucune augmentation ne pourra être apportée aux surtaxes actuellement établies à l'importation par la frontière de terre, sur les produits ci-après désignés :

Bois d'ébénisterie ;	Peaux brutes ;	Salpêtres ;
Bois de teinture ;	Riz ;	Thé ;
Cacao ;	Potasses ;	Graines oléagineuses ;
Coton en laine ;	Guano ;	Graisses ;
Laines en masse ;	Résineux exotiques ;	Huiles.

XV. Pour faciliter la circulation des produits agricoles sur la frontière des deux pays, les céréales en gerbes ou en épis, les foin, la paille et les fourrages verts seront réciproquement importés et exportés en franchise de droits.

XVI. Les deux Hautes Parties Contractantes prennent l'engagement de ne pas interdire l'exportation de la houille et de n'établir aucun droit sur cette exportation.

De son côté, le Gouvernement Français s'engage à ne pas élever, pendant la durée du présent Traité, les droits actuellement applicables à l'importation en France des houilles, cokes et briquettes de charbon d'origine Belge.

Le droit à l'importation en Belgique des charbons de terre, du coke et des briquettes de charbon d'origine Française, est réduit à 1 franc par 1,000 kilogrammes.

XVII. La décharge du droit d'accise accordée à l'exportation de Belgique pour les bières et les vinaigres sera réduite à 2 francs 50 centimes par hectolitre.

Cette décharge ne pourra être accordée qu'aux bières et vinaigres de bonne qualité, conformément à la législation Belge actuelle.

XVIII. Pour établir que les produits sont d'origine ou de manufacture nationale, l'importateur devra présenter à la douane de l'autre pays, soit une déclaration officielle faite devant un magistrat siégeant au lieu d'expédition, soit un certificat délivré par le chef du service des Douanes du bureau d'exportation, soit un certificat délivré par les Consuls ou Agents Consulaires du pays dans lequel l'importation doit être faite et qui résident dans les lieux d'expédition ou dans les ports d'embarquement.

Les Consuls ou Agents Consulaires respectifs légaliseront les signatures des autorités locales.

XIX. Les droits *ad valorem* stipulés par le présent Traité seront calculés sur la valeur, au lieu d'origine ou de fabrication, de l'objet importé, augmentée des frais de transport, d'assurance et de commission nécessaires pour l'importation dans l'un des deux Etats jusqu'au lieu d'introduction.

L'importateur devra, indépendamment du certificat d'origine, joindre à sa déclaration écrite, constatant la valeur de la marchandise importée, une facture indiquant le prix réel et émanant du fabricant ou du vendeur.

Cette facture sera visée par un Consul ou Agent Consulaire de la Puissance dans le territoire de laquelle l'importation doit être faite.

XX. Si la douane juge insuffisante la valeur déclarée, elle aura le droit de retenir les marchandises en payant à l'importateur le prix déclaré par lui, augmenté de 5 pour cent.

Ce paiement devra être effectué dans les 15 jours qui suivront la déclaration, et les droits, s'il en a été perçu, seront en même temps restitués.

XXI. L'importateur contre lequel la douane de l'un des deux pays voudra exercer le droit de préemption stipulé par l'Article précédent pourra, s'il le préfère, demander l'estimation de sa marchandise par des experts. La même faculté appartiendra à la douane, lorsqu'elle ne jugera pas convenable de recourir immédiatement à la préemption.

XXII. Si l'expertise constate que la valeur de la marchandise ne dépasse pas de 5 pour cent celle qui est déclarée par l'importateur, le droit sera perçu sur le montant de la déclaration.

Si la valeur dépasse de 5 pour cent celle qui est déclarée, la Douane pourra, à son choix, exercer la préemption ou percevoir le droit sur la valeur déterminée par les experts.

Ce droit sera augmenté de 50 pour cent, à titre d'amende, si l'évaluation des experts est de 10 pour cent supérieure à la valeur déclarée.

Les frais d'expertise seront supportés par le déclarant si la valeur déterminée par la décision arbitrale excède de 5 pour cent la

valeur déclarée; dans le cas contraire, ils seront supportés par la Douane.

XXIII. Dans les cas prévus par l'Article XXI, les deux arbitres experts seront nommés, l'un par le déclarant, l'autre par le chef local du service des douanes; en cas de partage, ou même au moment de la constitution de l'arbitrage, si le déclarant le requiert, les experts choisiront un tiers arbitre; s'il y a désaccord, celui-ci sera nommé par le Président du Tribunal de Commerce du ressort. Si le bureau de déclaration est à plus d'un myriamètre du siège du Tribunal de Commerce, le tiers arbitre pourra être nommé par le juge de paix du canton.

La décision arbitrale devra être rendue dans les 15 jours qui suivront la constitution de l'arbitrage.

XXIV. Les déclarations doivent contenir toutes les indications nécessaires pour l'application des droits. Ainsi, outre la nature, l'espèce, la qualité, la provenance et la destination de la marchandise, elles doivent énoncer le poids, le nombre, la mesure ou la valeur suivant le cas.

Si, par suite de circonstances exceptionnelles, le déclarant se trouve dans l'impossibilité d'énoncer la quantité à soumettre aux droits, la Douane pourra lui permettre de vérifier lui-même, à ses frais, dans un local désigné ou agréé par elle, le poids, la mesure ou le nombre; après quoi l'importateur sera tenu de faire la déclaration détaillée de la marchandise dans les délais voulus par la législation de chaque pays.

XXV. A l'égard des marchandises qui acquittent les droits sur le poids net, si le déclarant entend que la perception ait lieu d'après le net réel, il devra énoncer ce poids dans sa déclaration. A défaut la liquidation des droits sera établie sur le poids brut, sauf défalcation de la tare légale.

XXVI. Il est convenu entre les Hautes Parties Contractantes que les droits fixés par le présent Traité ne subiront aucune réduction du chef d'avarie ou de détérioration quelconque des marchandises.

XXVII. A l'égard des tissus purs ou mélangés, taxés à la valeur, dont l'estimation leur paraîtrait présenter des difficultés, les Gouvernements Français et Belge se réservent la faculté de désigner exclusivement pour l'admission de ces marchandises, le premier, la Douane de Paris, le second, la Douane de Bruxelles.

XXVIII. Pour la fixation des droits établis sur les tissus de lin, de chanvre ou de jute écrus ou blanchis, l'administration des Douanes Françaises se conformera aux types arrêtés entre les deux Gouvernements, suivant procès-verbal sous la date de ce jour.

Dans la vérification des tissus Belges par le compte-fil, toute fraction de fil sera négligée.

XXIX. L'importateur de machines et mécaniques entières ou en

pièces détachées et de toutes autres marchandises énumérées dans le présent Traité, est affranchi de l'obligation de produire à la Douane de l'un ou de l'autre pays tout modèle ou dessin de l'objet importé.

XXX. Les marchandises de toute nature venant de l'un des deux Etats, ou y allant, seront réciproquement exemptes dans l'autre Etat de tout droit de transit.

Toutefois, la prohibition est maintenue pour la poudre à tirer, et les deux Hautes Parties Contractantes se réservent de soumettre à des autorisations spéciales le transit des armes de guerre.

Le traitement de la nation la plus favorisée est réciproquement garanti à chacun des deux pays pour tout ce qui concerne le transit.

XXXI. Les marchandises transportées de Maubeuge à Givet, et *vice versa*, par la route directe passant par Philippeville, seront exemptes de toute visite tant à l'entrée qu'à la sortie, sauf en cas de soupçons d'abus, sous les conditions suivantes :

1°. Les transports se feront par voitures fermées ayant un panneau de charge susceptible d'être convenablement cadenassé ;

2°. Une déclaration sera faite au bureau d'entrée Belge, d'après expédition de sortie délivrée par la Douane Française ;

3°. Le voiturier ou l'entrepreneur des transports fournira caution pour les droits et pénalités exigibles en cas de fraude.

XXII. Jusqu'à l'achèvement des chemins de fer de Saint-Jean-de-Maurienne à la frontière Sarde et de Bayonne à la frontière Espagnole, l'administration Française appliquera, sous les conditions déterminées par l'Article précédent, aux marchandises venant de Belgique ou y allant, les mêmes facilités de transit que si l'entrée et la sortie dans ces directions avaient lieu par chemin de fer.

XXXIII. Les voyageurs de commerce Français voyageant en Belgique pour le compte d'une maison Française seront soumis à une patente fixe de 20 francs, additionnels compris.

Réciproquement, les voyageurs du commerce Belges voyageant en France pour le compte d'une maison Belge seront soumis à une patente fixe de 20 francs, additionnels compris.

XXXIV. Les objets passibles d'un droit d'entrée, qui servent d'échantillons et qui sont importés en Belgique par des commis voyageurs de maisons Françaises, ou en France par des commis voyageurs de maisons Belges, seront, de part et d'autre, admis en franchise temporaire, moyennant les formalités de Douane nécessaires pour en assurer la réexportation ou la réintégration en entrepôt ; ces formalités seront les mêmes en France et en Belgique, et elles seront réglées d'un commun accord entre les deux Gouvernements.

XXXV. Les dispositions du présent Traité de Commerce sont applicables à l'Algérie, tant pour l'exportation des produits de cette possession que pour l'importation des marchandises Belges.

XXXVI. Les titres émis par les communes, les départements, les établissements publics et les sociétés anonymes de France, qui seront cotés à la Bourse de Paris, seront admis à la cote officielle des Bourses de Belgique.

Réciproquement, les titres émis par les provinces, les communes, les établissements publics et les sociétés anonymes de Belgique, cotés à la Bourse de Bruxelles, seront admis à la cote officielle des Bourses de France.

Toutefois, ces dispositions ne sont pas applicables aux valeurs émises avec lots ou primes attribuant au prêteur ou porteur de titres, un intérêt inférieur à 3 pour cent, soit du capital nominal, soit du capital réellement emprunté, si celui-ci est inférieur au capital nominal.

XXXVII. Chacune des deux Hautes Parties Contractantes s'engage à faire profiter l'autre de toute faveur, de tout privilège ou abaissement dans les tarifs des droits à l'importation ou à l'exportation des articles mentionnés ou non dans le présent Traité, que l'une d'elles pourrait accorder à une tierce Puissance. Elles s'engagent, en outre, à n'établir l'une envers l'autre aucun droit ou prohibition d'importation ou d'exportation qui ne soit, en même temps, applicable aux autres nations.

XXXVIII. Le Traité conclu, entre les Hautes Parties Contractantes, le 27 Février, 1854,* continuera provisoirement à être appliqué jusqu'à la mise en vigueur des présentes stipulations.

XXXIX. Le présent Traité sera soumis à l'assentiment des Chambres Législatives de Belgique.

XL. Le présent Traité restera en vigueur pendant 10 années, à partir du jour de l'échange des ratifications. Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de ladite période, son intention d'en faire cesser les effets, il demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

Les Hautes Parties Contractantes se réservent la faculté d'introduire, d'un commun accord, dans ce Traité, toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes et dont l'utilité serait démontrée par l'expérience.

XLI. Les stipulations qui précèdent seront exécutoires, dans les deux Etats, le 5me jour après l'échange des ratifications.

Toutefois, les tarifs ne seront réciproquement mis en vigueur que le 1er Juillet prochain, pour les sucres bruts et raffinés, et que le 1er Octobre suivant, à l'égard des produits prohibés à l'entrée par la législation douanière de la France.

XLII. Le présent Traité sera ratifié et les ratifications en seront

* Vol. XLIV. Page 1099.

échangées à Paris dans le délai de deux mois, ou plus tôt si faire se peut, et simultanément avec celles des deux Conventions relatives à la navigation et à la propriété littéraire.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait en double expédition à Paris, le premier jour du mois de Mai de l'an de grâce, 1861.

(L.S.) E. THOUVENEL.

(L.S.) E. ROUHER.

(L.S.) FIRMIN ROGIER.

(L.S.) LEIDTS.

Tarif A. — Droits à l'entrée en France.

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1er Oct. 1864.
METALLS.		
Fer et Fonte :		
Mineral de fer	Exempt.	Exempt.
Mâchefer, limailles et scories de forge	Exempts.	Exempts.
Fonte brute en masse et fonte moulée pour lest de navire ..	2 50 les 100 kilo.	2 00 les 100 kilo.
Débris de vieux ouvrages en fonte	3 25 id.	2 75 id.
Fonte épurée, dite "mazée"		
Ferrailles et débris de vieux ouvrages en fer		
Fer brut en massiaux ou prismes retenant encore des scories ..	5 00 id.	4 50 id.
Fers en barres carrées, rondes, ou plates, rails de toute forme et dimension, fers d'angle et à T, et fils de fer, sauf les exceptions ci-après	7 00 id.	6 00 id.
Fers feuillards en bandes d'un millimètre d'épaisseur ou moins	8 50 id.	7 50 id.
Tôles laminées ou martelées de plus d'un millimètre d'épaisseur, en feuilles pesant 200 kilogrammes ou moins, et dont la largeur n'excède pas 1 mètre 20 centimètres, ni la longueur 4 mètres 50 centimètres		
Idem. en feuilles pesant plus de 200 kilogrammes ou bien ayant plus de 1 mètre 20 centimètres de largeur ou plus de 4 mètres 50 centimètres de longueur ..		
Tôles minces et fers noirs en feuilles d'un millimètre d'épaisseur ou moins	9 50 id.	7 50 id.
(Les feuilles de tôle ou fers noirs, planes découpées d'une façon quelconque, payeront un dixième en sus des feuilles rectangulaires.)	18 00 id.	10 00 id.

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1 ^{er} Oct. 1864.
Fer étamé (fer blanc), cuivré, zingué ou plombé	16 00 les 100 kilo.	13 00 les 100 kilo.
Fil de fer de $\frac{1}{4}$ de millimètre de diamètre et au dessous, qu'il soit ou non étamé cuivré ou zingué	14 00 id.	10 00 id.
Acier :		
En barres de toute espèce et feuillard	15 00 id.	13 00 id.
En tôle ou en bandes brunes, laminées à chaud, d'une épaisseur supérieure à un demi-millimètre	22 00 id.	18 00 id.
En tôle ou en bandes brunes, laminées à chaud, d'un demi-millimètre d'épaisseur ou moins	30 00 id.	25 00 id.
En tôle ou en bandes blanches, laminées à froid, quelle que soit l'épaisseur	30 00 id.	25 00 id.
Fil d'acier même blanchi, pour cordes d'instruments	30 00 id.	25 00 id.
Cuivre :		
Mineral	Exempt.	Exempt.
Limailles et débris de vieux ouvrages en cuivre	Exempt.	Exempt.
Pur ou allié de zinc ou d'étain de première fusion en masses, barres, saumons ou plaques ..	Exempt.	Exempt.
Pur ou allié de zinc ou d'étain laminé ou battu en barres ou planches	15 00 les 100 kilo.	10 00 les 100 kilo.
Pur ou allié en fils de toute dimension, polis ou non	15 00 id.	10 00 id.
Doré ou argenté, battu, tiré ou laminé, filé sur fil ou sur soie ..	100 00 id.	100 00 id.
Zinc :		
Mineral, cru ou grillé, pulvérisé ou non	Exempt.	Exempt.
Limailles et débris de vieux ouvrages	Exempt.	Exempt.
En masses brutes, saumons, barres ou plaques	id.	id.
Laminé	6 00 les 100 kilo.	4 00 les 100 kilo.
Plomb :		
Mineral et scories de toute sorte	Exempt.	Exempt.
Limailles et débris de vieux ouvrages	Exempt.	Exempt.
En masses brutes, saumons, barres ou plaques	3 00 les 100 kilo.	Exempt.
Laminé	5 00 id.	3 00 les 100 kilo.
Allié d'antimoine en masse ..	5 00 id.	3 00 id.
Vieux caractères d'imprimerie ..	5 00 id.	3 00 id.
Étain :		
Mineral	Exempt.	Exempt.
En masses brutes, saumons, barres ou plaques	id.	id.
Limailles et débris	Exempt.	Exempt.
Allié d'antimoine (métal Britannique) en lingots	5 00 les 100 kilo.	5 00 les 100 kilo.
Pur ou allié, battu ou laminé ..	6 00 id.	6 00 id.
Cadmium brut	Exempt.	Exempt.
Mercure natif	id.	id.
Bismuth et étain de glace	id.	id.

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1er Oct. 1864.
	Fr. c.	Fr. c.
Antimoine :		
Mineral	Exempt.	Exempt.
Sulfuré fondu	id.	id.
Métallique ou régule	8 00 les 100 kilo.	6 00 les 100 kilo.
Nickel :		
Mineral de nickel et speiss ..	Exempt	Exempt
Pur ou allié d'autres métaux, notamment de cuivre ou de zinc (argentan), en lingots ou masses brutes	id.	id.
Pur ou allié d'autres métaux, battu, laminé ou étiré	15 00 les 100 kilo.	10 00 les 100 kilo.
Manganèse :		
Mineral	Exempt	Exempt
Arsenic :		
Mineral	id.	id.
Métallique	id.	id.
Minerais non dénommés	id.	id.
OUVRAGES EN METAUX.		
Fonte :		
Ouvrages en fonte moulée, non tournés ni polis :		
1re Classe. Coussinets de chemins de fer, plaques ou autres pièces coulées à découvert ..	3 50 les 100 kilo.	3 00 les 100 kilo.
2e Classe. Tuyaux cylindriques, droits, poutrelles et colonnes pleines ou creuses, cornues pour la fabrication du gaz ; barreaux pleins et leurs a-ssemblages, grilles et plaques de foyers, arbres de transmission, bâtis de machines et autres objets sans ornements ni ajustages	4 25 id.	3 75 id.
3e Classe. Poteries et tous autres ouvrages non d. signés dans les deux classes précédentes	5 00 id.	4 50 id.
Ouvrages en fonte, polis ou tournés	9 00 id.	6 00 id.
Ouvrages en fonte élamés, émaillés ou vernissés	12 00 id.	10 00 id.
Fer :		
Ferronnerie comprenant :		
Pièces de charpente	9 00 id.	8 00 id.
Courbes et solives pour navires ..	9 00 id.	8 00 id.
Ferrures de charrettes et wagons ..	9 00 id.	8 00 id.
Gonds, pentures, gros verrous, équerres et autres gros ferrements de portes ou croisées, non tournés ni polis	9 00 id.	8 00 id.
Grilles en fer plein, lits, siéges et meubles de jardins ou autres, avec ou sans ornements accessoires en fonte, cuivre ou acier ..	9 00 id.	8 00 id.
N.B. Les essieux, ressorts, et bandages de roues ne sont pas compris dans cette nomenclature, et figurent parmi les		

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1er Oct. 1864.
	Fr. c.	Fr. c.
pièces détachées de machines.		
Serrureries comprenant :		
Serrures et cadenas en fer de toute		
sorte, fiches et charnières en tôle,		
loquets, targettes et tous autres		
objets en fer ou tôle, tournés,		
polis ou limés pour ferrures de		
meubles, portes, et croisées ..	15 00 les 100 kilo.	12 00 les 100 kilo.
Clous forgés à la mécanique ..	10 00 id.	8 00 id.
Clous forgés à la main ..	15 00 id.	12 00 id.
Vis à bois, boulons et écrous ..	10 00 id.	8 00 id.
Ancres	10 00 id.	8 00 id.
Câbles et chaînes en fer ..	10 00 id.	8 00 id.
Outils en fer pur, emmanchés ou		
non	12 00 id.	10 00 id.
Tubes en fer étirés, soudés par		
simples rapprochements :		
De 9 millimètres de diamètre		
intérieur ou plus	13 00 id.	11 00 id.
De moins de 9 millimètres,		
raccourcis de toute espèce ..	25 00 id.	20 00 id.
Tubes en fer étirés, soudés sur		
mandrin et à recouvrement..	25 00 id.	20 00 id.
Articles de ménage et autres ou-		
vrages non-dénommés :		
En fer ou en tôle, polis ou peints	17 00 id.	14 00 id.
En fer ou en tôle émaillés, tamés		
ou vernissés	20 00 id.	16 00 id.
Acier :		
Outils en acier pur (limes, scies		
circulaires ou droites, faux, fau-		
cilles et autres non dénommés)	40 00 id.	32 00 id.
Aiguilles à coudre, de moins de		
5 centimètres	200 00 id.	200 00 id.
Aiguilles à coudre de 5 centimètres		
ou plus	100 00 id.	100 00 id.
Plumes métalliques en métal autre		
que l'or et l'argent	100 00 id.	100 00 id.
Petits objets en acier, tels que		
perles, coulants, broches et dés		
à coudre	25 00 id.	20 00 id.
Articles de ménage et autres ouvra-		
ges en acier pur non dénommés..	40 00 id.	32 00 id.
Hameçons de toute espèce ..	50 00 id.	50 00 id.
Coutellerie de toute espèce {	20 pour cent de la valeur, abaissé à 15 pour cent. à partir du 1er Janvier, 1866.	
Instruments de chirurgie, de préci-		
sion, de physique et de chimie		
(pour laboratoire)	Exempts.	Exempts.
Armes de Commerce :		
Armes blanches	40 00 les 100 kilo.	40 00 les 100 kilo.
Armes à feu	240 00 id.	240 00 id.
METEAUX DIVERS.		
Outils en fer rechargés d'acier,		
emmanchés ou non	13 00 id.	15 00 id.
Objets en fonte et fer, non polis, le		
poids du fer étant inférieur à la		
moitié du poids total	5 00 id.	4 50 id.

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1er Oct. 1864.
	Fr. c.	Fr. c.
Objets en fonte et fer non polis, le poids du fer étant égal ou supérieur à la moitié du poids total..	10 00 les 100 kilo.	8 00 les 100 kilo.
Objets en fonte et fer polis, émaillés, ou vernissés, même avec ornements accessoires en fer, cuivre, laiton, ou acier	15 00 id.	12 00 id.
Toiles métalliques en fer ou en acier	15 00 id.	10 00 id.
Cylindres en cuivre ou laiton, pour impression, gravés ou non ..	15 00 id.	15 00 id.
Chaudronnerie	25 00 id.	20 00 id.
Toiles en fils de cuivre ou laiton..	25 00 id.	20 00 id.
Objets d'art et d'ornement, et tous autres ouvrages en cuivre, pur ou allié de zinc ou d'étain ..	25 00 id.	20 00 id.
Ouvrages en zinc de toute espèce	10 00 id.	8 00 id.
Tuyaux et autres ouvrages de plomb de toute sorte	5 00 id.	3 00 id.
Caractères d'imprimerie neufs, clichés et planches gravées pour impression sur papier	10 00 id.	8 00 id.
Poteries et autres ouvrages en étain pur ou allié d'antimoine ..	30 00 id.	30 00 id.
Ouvrages en nickel allié au cuivre ou au zinc (argente.)	100 00 id.	100 00 id.
Ouvrages en plaqué sans distinction de titre	100 00 id.	100 00 id.
Ouvrages en métaux dorés ou argentés, soit au mercure, soit par les procédés électro chimiques..	100 00 id.	100 00 id.
Orfèvrerie et bijouterie en or, argent, platine ou autres métaux	500 00 id.	500 00 id.
Horlogerie	5 pour cent de la valeur.	5 pour cent de la valeur.
Fournitures d'horlogerie	100 00 les 100 kilo.	100 00 les 100 kilo.
MACHINES ET MÉCANIQUES.		
Appareils complets :		
Machines à vapeur fixes, avec ou sans chaudières, avec ou sans volant	10 00 id.	6 00 id.
Machines à vapeur fixes pour la navigation, avec ou sans chaudières	20 00 id.	12 00 id.
Machines locomotives ou locomobiles	15 00 id.	10 00 id.
Tenders complets de machines locomotives	10 00 id.	8 00 id.
Machines pour la filature	15 00 id.	10 00 id.
Machines à nettoyer et ouvrir la laine, le coton le lin, le chanvre et autres matières textiles ..	9 00 id.	6 00 id.
Machines pour le tissage	9 00 id.	6 00 id.
Machines à fabriquer le papier ..	9 00 id.	6 00 id.
Machines à imprimer	9 00 id.	6 00 id.
Machines pour l'agriculture ..	9 00 id.	6 00 id.
Machines à bouter les plaques et rubans de cartes	9 00 id.	6 00 id.

Dénomination des Articles.	Taux des Droits.			
	En 1861.		Au 1er Oct. 1864.	
	Fr.	c.	Fr.	c.
Métiers à tulle	15	00	10	00
Appareils en cuivre à distiller ..	15	00	10	00
Appareils à sucre	15	00	10	00
Appareils de chauffage	15	00	10	00
Cardes non garnies	15	00	10	00
Chaudières à vapeur en tôle de fer, cylindriques ou sphériques, avec ou sans bouilleurs ou réchauffeurs	10	00	8	00
Chaudières à vapeur tubulaires en tôle de fer, à tubes en fer, cuivre ou laiton, étirés ou en tôle clouée, à foyers intérieurs, et toutes autres chaudières de forme non cylindrique ou sphérique simple	15	00	12	00
Chaudières à vapeur en tôle d'acier de toute forme	30	00	25	00
Gazomètres, chaudières découvertes, poêles et calorifères en tôle ou en fonte et tôle ..	10	00	8	00
Machines-outils et machines non dénommées, contenant 75 pour cent de fonte et plus	9	00	6	00
Machines-outils et machines non dénommées, contenant 50 à 75 pour cent exclusivement de leur poids en fonte	15	00	10	00
Machines-outils et machines non dénommées, contenant moins de 50 pour cent de leur poids en fonte	20	00	15	00
Pièces détachées de machines:				
Plaques et rubans de cardes sur cuir, caoutchouc, ou sur tissus, purs ou mélangés	60	00	50	00
Dents de rots en fer ou en cuivre ..	30	00	30	00
Rots, ferrures ou peignes à tisser, à dents de fer ou de cuivre ..	50	00	30	00
Pièces en fonte, polies, limées et ajustées	9	00	6	00
Pièces en fer forgé, polies, limées et ajustées ou non, quel que soit leur poids	15	00	10	00
Resorts en acier pour carrosserie, wagons et locomotives	17	00	15	00
Pièces en acier, polies, limées, ajustées ou non, pesant plus d'un kilogramme	30	00	25	00
Pièces en acier, polies, limées, ajustées ou non, pesant un kilogramme ou moins	40	00	35	00
Pièces en cuivre pur ou allié de tous autres métaux	25	00	20	00
Plaques et rubans de cuir, de caoutchouc et de tissus spécialement desinés pour cardes	20	00	20	00
Or et argent battus en feuilles ..	50	00	50	00
Sucres bruts de betteraves (droit de consommation compris) ..	32	00	32	00

Dénomination des Articles.	Taux des Droits.	
	En 1861.	Au 1er Oct. 1864.
	<i>Fr. c.</i>	<i>Fr. c.</i>
Sucres raffinés (droits de consommation compris)	41 00 les 100 kilo.	41 00 les 100 kilo.
Sucres candis (droit de consommation compris)	44 00 id.	44 00 id.
Carrosserie	10 pour cent de la valeur.	10 pour cent de la valeur.
Tabletterie et ouvrages en ivoire	id.	id.
Peaux brutes	Exemptes.	Exemptes.
Peaux vernies, teintées, ou maroquinées	100 00 les 100 kilo.	100 00 les 100 kilo.
Peaux préparées de toute autre espèce	15 00 id.	15 00 id.
Ouvrages en peaux et en cuirs de toute espèce	10 pour cent de la valeur.	10 pour cent de la valeur.
Futailles vides, neuves ou vieilles, montées ou démontées :		
Cerclees en bois	Exemptes.	Exemptes.
Cerclees en fer	10 pour cent de la valeur.	10 pour cent de la valeur.
Pelles, fourches, rateaux, et manches d'outils en bois, avec ou sans viroles	Exempta.	Exempta.
Avirons	id.	id.
Plats, cuillers, écuelles et autres articles de ménage en bois ..	id.	id.
Pièces de charpente, brutes ou façonnées	Exemptes.	Exemptes.
Pièces de charonnage, brutes ou façonnées	id.	id.
Autres ouvrages en bois non dénommés	10 pour cent de la valeur.	10 pour cent de la valeur.
Meubles	Exempta.	Exempta.
Bâtiments de mer construits dans le Royaume de Belgique non encore immatriculés ou naviguant sous pavillon Belge :	Par tonneau de jauge Française :	
En bois	25 00	20 00
En fer	70 00	60 00
Coques de bâtiments de mer et bateaux de rivières :		
En bois	15 00	10 00
En fer	50 00	40 00
N.B. Les machines et moteurs installés à bord de ces bâtiments seront taxés séparément d'après le chiffre des droits spécifiés sous la rubrique : "Machines et Mécaniques."		
LIN, INDUSTRIES TEXTILES.		
Lin ou chanvre peigné	Exempta.	
Fils de lin ou de chanvre mesurant au kilogramme :		
Simples :		
Ecrus :		
6,000 mètres ou moins ..	15 00 les 100 kilo.	
Plus de 6,000 mètres, pas plus de 12,000	20 00	"

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	Fr. c.	
Plus de 12,000 mètres, pas plus de 24,000	30 00	"
Plus de 24,000 " 36,000	36 00	"
Plus de 36,000 " 72,000	60 00	"
Plus de 72,000	100 00	"
Blanchis, ou teints :		
6,000 mètres ou moins ..	20 00	"
Plus de 6,000 mètres, pas plus de 12,000	27 00	"
Plus de 12,000 " 24,000	40 00	"
Plus de 24,000 " 36,000	48 00	"
Plus de 36,000 " 72,000	80 00	"
Plus de 72,000	133 00	"
Retors :		
Ecrus	Le droit afférent au fil simple écri employé au retordage, augmenté de 30 pour cent.	Le droit afférent au fil simple teint ou blanchi employé au retordage augmenté de 30 pour cent.
Blanchis ou teints ..		
Le fil de lin ou de chanvre mélangés suivront le même régime que les fils de lin ou de chanvre purs, pourvu que le lin ou le chanvre domine en poids.		
Tissus de lin ou de chanvre unis ou ouvrés, présentant en chaîne dans l'espace de 5 millimètres carrés :		
Ecrus :		
8 fils au moins	28 00	les 100 kilo.
9, 10, et 11 fils	55 00	"
12 fils	65 00	"
13 et 14 fils	90 00	"
15, 16 et 17 fils	115 00	"
18, 19 et 20 fils	170 00	"
21, 22 et 23 fils	260 00	"
24 fils et au dessus	400 00	"
Blanchis, teints, ou imprimés :		
8 fils ou moins	38 00	"
9, 10 et 11 fils	70 00	"
12 fils	95 00	"
13 et 14 fils	120 00	"
15, 16 et 17 fils	155 00	"
18, 19 et 20 fils	230 00	"
21, 22 et 23 fils	350 00	"
24 fils et au-dessus	535 00	"
Coutils unis ou façonnés, (ecrus, blanchis, teints ou imprimés ..	16 pour cent de la valeur.	
Lin, ou damas	id.	
Batiste	Même régime que les toiles unies.	
Linons	id.	
Mouchoirs encadrés	id.	
Tulle de lin	15 pour cent de la valeur.	
Dentelles de lin	5 pour cent de la valeur.	
Bonneterie de lin	15 pour cent de la valeur.	
Pa-sementerie de fin	id.	
Rubannerie de fil écrie, blanchie ou teinte	id.	

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	<i>Fr. c.</i>	
Articles en lin ou en chanvre, confectionnés en tout ou en partie	15 pour cent de la valeur.	
Vêtements et articles non dénommés	id.	
Tissus de lin ou de chanvre mélangés, quand le lin ou le chanvre domine en poids.	id.	
Jute :	Exempt.	
En brins, teillé ou peigné.		
Fils de jute, mesurant au kilogramme :		
Ecrus :	<i>Fr. c.</i>	<i>Fr. c.</i>
Moins de 1,400 mètres	7 00 les 100 kilo.	5 00 les 100 kilo.
De 1,400 à 3,700 mètres exclusivement.		
De 3,700 à 4,200 "	9 20 "	6 00 "
De 4,200 à 6,000 "	10 20 "	7 00 "
Plus de 6,000 "	15 00 "	10 00 "
Blanchis ou teints :	Même régime que les fils de lin.	
Moins de 1,400 mètres	10 00 les 100 kilo.	7 00 les 100 kilo.
De 1,400 à 3,700 mètres exclusivement.		
De 3,700 à 4,200 "	13 00 "	9 00 "
De 4,200 à 6,000 "	15 00 "	10 00 "
Plus de 6,000 "	22 00 "	14 00 "
Tissus de jute, présentant en chaîne dans l'espace de 5 millimètres :	Même régime que les fils de lin.	
Ecrus :		
1, 2 et 3 fils unis	13 00 les 100 kilo.	10 00 les 100 kilo.
1, 2 et 3 fils croisés	15 00 "	12 00 "
4 et 5 fils	21 00 "	16 00 "
6, 7 et 8 fils	30 00 "	24 00 "
Plus de 8 fils	Même régime que les tissus de lin suivant la classe.	
Blanchis ou teints :		
1, 2 et 3 fils unis	19 00 les 100 kilo.	15 00 les 100 kilo.
1, 2 et 3 fils croisés	22 00 "	17 00 "
4 et 5 fils	30 00 "	23 00 "
6, 7 et 8 fils	44 00 "	35 00 "
Plus de 8 fils	Même régime que les tissus de lin suivant la classe.	
Tapis de jute ras ou à poil	32 00 les 100 kilo.	24 00 les 100 kilo.
Les fils de jute mélangés avec d'autres matières suivront le même régime que les fils de jute purs, pourvu que le jute domine en poids.		
Tissus de jute mélangés quand le jute domine en poids	20 pour cent de la valeur.	15 pour cent de la valeur.
Végétaux filamenteux :		
Phormium tenax abaca, et autres végétaux filamenteux, non dénommés :		
Filaments :	Exempt.	
Bruts teillés	id.	
Peignés ou tordus		
Fils	5 pour cent de la valeur.	
Tissus	10 pour cent de la valeur.	

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
Crin :		
Crin brut de toute nature, même préparé ou frisé		Exempt.
Tissus et ouvrages de crin ou de poils de vaches purs ou mélangés		10 pour cent de la valeur.
Coton :		
Coton de l'Inde en laine		Exempt.
Coton en feuillets cardés ou gommés (ouates)	Fr. c.	0 10 le kilo.
Fils de coton simples, mesurant au demi-kilogramme :		
Ecrus :		
20,000 mètres ou moins	0 15	"
De 21,000 à 30,000 mètres ..	0 20	"
De 31,000 à 40,000 " ..	0 30	"
De 41,000 à 50,000 " ..	0 40	"
De 51,000 à 60,000 " ..	0 50	"
De 61,000 à 70,000 " ..	0 60	"
De 71,000 à 80,000 " ..	0 70	"
De 81,000 à 90,000 " ..	0 80	"
De 91,000 à 100,000 " ..	1 00	"
De 101,000 à 110,000 " ..	1 20	"
De 111,000 à 120,000 " ..	1 40	"
De 121,000 à 130,000 " ..	1 60	"
De 131,000 à 140,000 " ..	2 00	"
De 141,000 à 170,000 " ..	2 50	"
De 171,000 et au-dessus ..	3 00	"
Blanchis	Le droit sur le fil simple écri, augmenté de 15 pour cent.	
Teints	Le droit sur le fil simple écri, augmenté de 25 centimes par kilo.	
Fils de coton retors en deux bouts :		
Ecrus	Le droit afférent au numéro du fil simple employé au retordage, augmenté de 30 pour cent.	
Blanchis	Le droit sur le fil écri retors en deux bouts, augmenté de 15 pour cent.	
Teints	Le droit sur le fil écri retors en deux bouts, augmenté de 25 centimes par kilo.	
Chaines ourdies :		
Ecrues	Le droit sur le fil simple, augmenté de 30 pour cent.	
Blanchies	Le droit sur les chaines ourdies écries, augmenté de 15 pour cent.	
Teintes	Le droit sur les chaines ourdies écries, augmenté de 25 centimes par kilo.	
Fils écri, blanchis ou teints, en trois bouts et plus :		
A simple torsion	Fr. c.	0 6 par 1,000 mètres.
Plusieurs torsions ou câbles ..	0 12	"
Tissus de coton, écri, unis, croisés, coutils :		
1ère Classe, pesant 11 kilogrammes et plus les 100 mètres carrés :		
De 35 fils et au-dessous aux 5 millimètres	0 50	le kilo
De 36 fils et au-dessus	0 80	"

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
2e Classe, pesant de 7 à 11 kilogrammes exclusivement les 100 mètres carrés :		
De 35 fils et au dessous ..	Fr. c. 0 60	le kilo.
De 36 à 43 fils	1 00	"
De 44 fils et au-dessus ..	2 90	"
3e Classe, pesant de 3 à 7 kilogrammes exclusivement les 100 mètres carrés :		
De 27 fils et au-dessous ..	0 80	"
De 28 à 35 fils	1 20	"
De 36 à 43 fils	1 90	"
De 44 fils et au-dessus ..	3 00	"
Tissus de coton :		
Blanchis	15 pour cent en sus du droit sur l'écr.	
Teints		
Imprimés		
Velours de coton :		
Façon soie (dits "velvets") :	Fr. c.	
Ecrus	0 85	le kilo.
Teints ou imprimés ..	1 10	"
Autres (cords, molaskins, &c.) :		
Ecrus	0 60	"
Teints ou imprimés ..	0 85	"
Tissus de coton écrus, unis ou croisés, pesant moins de 3 kilogrammes par 100 mètres carrés ..	15 pour cent de la valeur.	
Piqués basins, façonnés, damassés, et brillantés	id.	
Couvertures de coton	id.	
Tulles unis ou brodés	id.	
Gazes et mousselines, brodées ou brochées pour ameublements ou tentures	id.	
Vêtements et articles confectionnés en tout ou en partie	id.	
Articles non dénommés	id.	
Broderies à la main	10 pour cent de la valeur.	
Dentelles et blondes de coton ..	5 pour cent de la valeur.	
Les fils de coton mélangés payeront les mêmes droits que les fils de coton pur, pourvu que le coton domine en poids dans le mélange.		
Tissus de coton mélangés quand le coton domine en poids	15 pour cent de la valeur.	
Laines :		
Laine, en masse, de Belgique ou d'Australie	Fr. c.	Exempte.
Laine teinte en masse	25 00	par 100 kilo.
Laine peignée, teinte ou non ..	25 00	"
Fils de laine, blanchis ou non, simples, mesurant au kilogramme :		
De 80,000 mètres et au-dessous ..	0 25	le kilo.
De 31,000 à 40,000 mètres ..	0 35	"
De 41,000 à 50,000 " ..	0 45	"
De 51,000 à 60,000 " ..	0 55	"
De 61,000 à 70,000 " ..	0 65	"
De 71,000 à 80,000 " ..	0 75	"

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1 ^{er} Oct. 1864.
De 81,000 à 90 000 mètres ..	Fr. c. 0 85 le kilo.	
De 91,000 à 100,000 „ ..	0 95 „	
De 101,000 mètres et au-dessus	1 00 „	
Fils de laine, blanchis ou non, retors pour tissage	Le droit afférent aux fils de laine simples employés au retordage, augmenté de 30 pour cent.	
Fils de laine blanchis ou non retors pour tapisserie	Le droit du fil simple élevé au double.	
Fils de laine teints simples ou retors	Droit sur le fil non teint, augmenté de 25c. par kilo.	
Tissus de laine	15 p.c. de la valeur.	10 p.c. de la valeur.
Feutres de toute sorte	id.	id.
Couvertures de laine	id.	id.
Tapis de toute espèce	id.	15 p.c. de la valeur.
Bonneterie de laine	id.	10 p.c. id.
Passementerie de laine	id.	id.
Rubannerie de laine	id.	id.
Dentelles de laine	id.	id.
Chaussons de lisière	10 p.c. de la valeur.	id.
Châles et écharpes de cachemires des Indes	5 p.c. id.	5 p.c. id.
Articles non dénommés	15 p.c. id.	10 p.c. id.
Lisières de draps de toute espèce, entières ou coupées	Exemptes.	
Vêtements et articles confectionnés:		
Neufs	15 p.c. de la valeur.	10 p.c. de la valeur.
Vieux	20 fr. les 100 kilo.	
Les fils et tissus d'alpaca, de lama, de vigogne et de chameau, purs ou mélangés de laine, suivront le même régime que les fils et tissus de laine quelle que soit la proportion du mélange.		
Les fils et tissus de laine ou des autres matières ci-dessus dénommées, mélangés de coton ou d'autres filaments quelconques, payeront les mêmes droits que les fils et tissus de laine pure, pourvu que la laine domine dans le mélange.		
Les fils de poil de chèvre conserveront le régime qui leur est actuellement applicable.		
Les tissus de poil de chèvre suivront le régime des tissus de laine.		
Soies:		
En cocons	Exemptes.	
Grèges et moulinées	id.	
Teintes:	Fr. c.	
A coudre, à broder, et à dentelles	3 00 le kilo.	Exemptes.
Autres	Exemptes.	
Bourre de soie:		
En masse	Exempte.	
Peignée	0 10 le kilo.	
Filet simple et retorse, écrue, blanche, azurée, teinte:		
De 80,000 mètres simples au kilogramme et au-dessous ..	0 75	

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1 ^{er} Oct. 1864.
De 81,000 mètres simples au kilogramme, et au-dessus ..	Fr. c. 1 20 le kilo.	
Tissus bonneterie, dentelles de pure soie		Exempta.
Crêpes, façon d'Angleterre, écrus, noirs ou de couleur	10 00 le kilo.	A partir de 1866 exempta.
Tulles:		
Unis, écrus	20 60 „	A partir du 1 Octobre, 1864, exempta.
Apprêtés	15 p.c. de la valeur.	Exempta.
Façonnés écrus, ou apprêtés ..	10 p.c. id.	id.
Tissus de bourre de soie pure, de soie et bourre de soie, écrus, blancs, teints, imprimés ..		
Tissus, passementerie, et dentelles de soie, ou de bourre de soie:		
Avec or ou argent fin	12 00 „	
Avec or ou argent mi-fin ou faux	3 50 „	
Tissus de soie ou de bourre de soie mélangés, la soie ou la bourre de soie dominant en poids	3 00 „	
Rubans de soie ou de bourre de soie:		
De velours	5 00 „	
Autres	3 00 „	
Mélangés	10 pour cent de la valeur.	
Les vêtements et articles confectionnés en soie suivront le régime des tissus dominant en poids.		
PRODUITS CHIMIQUES.		
Iode		
Brôme		
Acides:		
Sulfurique		
Nitrique		
Tartrique		
Benzoïque		
Borique		
Citrique		
Arsénieux		
Jus de citron		
Oxides:		
De fer		
De zinc, gris		
D'étain		
D'urane		
De cuivre		
Safre, et autres composés du cobalt		
Sulfures d'arsenic		
Chlorure de potassium		
Iodure de potassium		
Salin de betteraves		
Carbonate de potasse		
Nitrate de potasse		
Sulfate de potasse		
Tartrates de potasse		
		Exempt

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
Cendres végétales vives et les- sivées		
Lies de vin		
Borax brut		
Nitrate de soude		
Soude de varech		
Noir d'os		
Os calcinés, blancs		
Phosphates naturels		
Citrates de chaux		
Sulfate de magnésie		
Carbonate de magnésie		
Chlorure de magnésium		
Acétate de fer liquide		Exempta.
Garancine		
Sucre de lait		
Albumine		
Curcuma en poudre		
Maurelle		
Blue de Prusse		
Carmins de toute sorte		
Cendres bleues ou vertes		
Laque en teinture ou en trochisques		
Vert de montagne		
Stil de grain		
Kermès en grains et en poudre (animal)		
Essence de houille et ses dérivés ..	5 pour cent de la valeur.	
Phosphore blanc	40 00 les 100 kilo.	40 00 les 100 kilo.
Oxide de zinc (blanc de zinc)	5 00 id.	2 00 id.
Oxides et carbonates de plomb	5 00 id.	2 00 id.
Acide oléique	5 00 id.	5 00 id.
Acide oxalique et oxalates de potasse	15 00 id.	10 00 id.
Prussiate jaune de potasse	20 00 id.	20 00 id.
Prussiate rouge de potasse	30 00 id.	30 00 id.
Extraits de bois de teinture :		
Pour les noirs et violets	20 00 id.	20 00 id.
Pour les rouges et jaunes	30 00 id.	30 00 id.
Acide hydrochlorique (acide muri- atique)	0 60 id.	0 60 id.
Soude caustique	8 00 id.	5 00 id.
Carbonate de soude (sel de soude) à tous degrés	4 50 id.	3 00 id.
Soude artificielle brute	2 30 id.	1 50 id.
Carbonate de soude, cristallisé (cristaux de soude)	2 30 id.	1 50 id.
Sulfate et sulfite de soude	1 20 id.	1 20 id.
Sulfate et sulfite de soude cristallisé (sel de Glauber)	1 00 id.	0 70 id.
Bicarbonate de soude et autres sels de soude non dénommés	5 25 id.	3 50 id.
Chlorure de chaux	4 25 id.	2 80 id.
Chlorate de potasse	38 60 id.	25 75 id.
Savons ordinaires et de parfumerie	6 00 id.	6 00 id.
Outremer	15 00 id.	15 00 id.
Phosphore rouge	10 pour cent de la valeur.	
Aluminium		id.
Aluminate de soude		id.

[1860-61. LI.]

3 A

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
Chlorure d'aluminium	10 pour cent de la valeur.	
Chromates de potasse	id.	
Chromates de plomb	id.	
Couleurs non dénommées, sèches, en pâte et liquides	5 pour cent de la valeur.	
Acide stéarique	id.	
Colle forte et gélatine	id.	
Vernis :		
A l'huile	10 pour cent de la valeur.	
A l'essence	id.	
A l'esprit de vin	id.	
Orseilles de toute sorte	5 pour cent de la valeur.	
Produits chimiques, non dénommés	id.	
VERRERIE ET CRISTALLERIE.		
Miroirs ayant moins de un mètre carré	10 pour cent de la valeur.	
Glaces :	Fr. c.	
Brutes	1 50 par mètre carré superficie.	
Etamées ou polies	4 00 id.	
Bouteilles de toutes formes ..	1 30 les 100 kilo.	
Verres :		
A vitres	3 50 id.	
De couleur, polis ou gravés ..	10 pour cent de la valeur.	
De montre et d'optique	id.	
Gobeletterie et cristaux, blancs et colorés	id.	
Vitrifications	id.	
Emaux	id.	
Objets en verre non dénommés ..	id.	
Groisil et verre cassé	Exempta.	
Cristal de roche brut ou ouvré ..	Exempt.	
N.B.—Le cristal monté sera taxé comme la bijouterie et l'orfè- vrie.		
POTERIES.		
Poterie Grossière :		
Carreaux, briques et tuiles ..	Exempta.	
Cornues à gaz, tuyaux de drainage et autres, creusets de toute sorte, y compris ceux en graphite et plombagine	id.	
Pipes en terre	id.	
Vernissée ou non, de toutes formes	id.	
Vernissée avec décorations à reliefs, unicolores et multicolores, pla- terie et creux	Fr. c.	
Poterie de Grès :	5 00 les 100 kilo.	
Ustensiles et appareils pour la fabri- cation des produits chimiques ..	Exempta.	
Commune de toute sorte, platerie et creux, comprenant la forme bouteille, les carafes, objets de ménage, ustensiles de cuisine, &c.	4 00 les 100 kilo.	
Faïence :		
Stannifère, pâte colorée, glaçure blanche	Exempta.	

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	Fr. c.	Fr. c.
Stanifère, glaçure colorée, majoliques, vernissée, multicolore ..	20 p.c. de la valeur.	15 p.c. de la valeur.
Fine.	id.	id.
Grès fins	id.	id.
Porcelaines de toute sorte, blanches ou décorées, parian et biscuit blanc	10 pour cent de la valeur.	
ARTICLES DIVERS.		
Fleurs artificielles	Exemptes.	
Objets de mode	Exempta.	
Tresses en paille de toute sorte ..	5 00 les 100 kilo.	
Chapeaux de paille	0 25 la pièce.	
Mercurie de toute sorte	10 pour cent de la valeur.	
Boutons fins ou communs, autres que de passementerie	id.	
Broserie de toute espèce	id.	
Instruments de musique et pièces détachées d'instruments	id.	
Epingles de toute sorte	50 00 les 100 kilo.	
Caoutchouc ouvré :		
Pur ou mélangé	20 00	id.
Appliqué sur tissus en pièces ou sur d'autres matières	100 00	id.
Vêtements confectionnés	120 00	id.
En tissus élastiques, pièces de toute dimension	200 00	id.
Chaussures	60 00	id.
N.B.—Les ouvrages en gutta-percha suivront le même régime.		
Toiles cirées :		
Pour emballage	5 00	id.
Pour ameublement, tentures ou autres usages	15 00	id.
Cire à cacheter	30 00	id.
Cirage de toute sorte	4 00	id.
Encre à écrire, dessiner, ou imprimer	20 00	id.
Filets de pêche	20 00	id.
Poisson d'eau douce :		
Frais	Exempt.	
Préparé	10 00 les 100 kilo.	
Epices préparées (sauces)	25 00	id.
Fromages de pâte dure	10 00	id.
Fromages de pâte molle	3 00	id.
Bière	En sus du droit de consommation, 2 00 par hectolitre.	
Mélasses contenant :		
Moins de 50 pour cent de richesse saccharine	11 00 les 100 kilo.	
Plus de 50 pour cent de richesse saccharine	Le droit sur le sucre brut.	
Importées pour la distillation ..	Exemptes.	
Alcool, par 100 degrés, en sus des droits de consommation	20 00 par hectol.	15 00 par hectol.
Eaux-de-vie en bouteilles, et liqueurs, sans distinction de degrés, en sus des droits de consommation	15 00 par hectolitre.	

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	Fr. c.	
Ardoises :		
Pour toitures	4	00 les 1,000 en nombre.
En carreaux ou en tables polis ..	10	00 les 100 en nombre.
Poils non spécialement tarifés, brutes et filés		Exemptes.
Poils de chèvre peignés	10	00 les 100 kilo.
Plumes à écrire, brutes ou apprêtées		Exemptes.
Plumes à lit de toute sorte, duvet et autres	50	00 les 100 kilo.
Cire brute, jaune ou blanche ..	1	00 id.
Cire ouvrée	4	00 id.
Lait		Exempt.
Beurre frais ou fondu		id.
Beurre salé	2	50 les 100 kilo.
Miel		Exempt.
Oreillons		Exemptes.
Poissons de mer, frais, secs, salés ou fumés, à l'exclusion de la morue	10	00 les 100 kilo.
Homards		Exemptes.
Huitres fraîches	1	50 le 1,000 en nombre.
Huitres marinées	6	00 les 100 kilo.
Moules et autres coquillages pleins		Exemptes.
Graisses de poisson	6	00 les 100 kilo.
Graisses de toute sorte et dégras de peau		Exemptes.
Blanc de baleine et de cachalot ..	2	00 les 100 kilo.
Fanons de baleine bruts		Exemptes.
Peaux de chien de mer et de phoque brutes, fraîches ou sèches ..		Exemptes.
Corail brut taillé et non monté ..		Exempt.
Drogueries, produits compris sous la désignation de drogueries :		
Cantharides : desséchées, civette, musc, castoreum, ambre gris, fruits à distiller, storax, styrax, sarcocolle, kino et autres sucas végétaux desséchés, racines médi- cinales de toute espèce, herbes, fleurs, feuilles et écorces médi- cinales, agaric (amadou), kermès minéral, extrait de quinquina, camphre brut et raffiné, praires ..	Fr. c.	
Eponges de toute sorte	50	00 id.
Os, sabots de bétail et dents de loup		Exemptes.
Cornes de bétail :		
Brutes		Exemptes.
Préparées et débitées en feuillets de toute dimension	3	00 les 100 kilo.
Résines de toute sorte, même dis- tillées		Exemptes.
Jus de réglisse	12	00 les 100 kilo.
Liège :		
Brut et râpé de toute sorte ..		Exempt.
Ouvré	10	pour cent de la valeur.
Bois de teinture, même moulus ..		Exemptes.
Joncs et roseaux bruts		id.

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	Fr. a	
Ecorces à tan de toute sorte, même moulues		Exemptes.
Betteraves		id.
Pommes de terre		id.
Houblon	20	00 les 100 kilo.
Graines à ensemençer		Exemptes.
Fruits et graines oléagineuses		id.
Légumes salés ou confits au vinaigre	3	00 les 100 kilo.
Racines de chicorée :		
Vertes	0	25 id.
Sèches	1	00 id.
Plantes alcalines		Exemptes.
Marbres et albâtres de toute sorte :		
Bruts, équarris ou sciés à 16 centimètres et plus d'épaisseur	1	00 les 100 kilo.
Autrement sciés, sculptés, moulés ou polis	1	50 id.
Ecaussines et autres pierres de construction, y compris les pierres d'ardoise :		
Brutes, taillées ou sciées		Exemptes.
Sculptées ou polies	0	50 les 100 kilo.
Pierres gemmes de toute sorte		Exemptes.
Agates et autres pierres de même espèce ouvrées	10	pour cent de la valeur.
Meules		Exemptes.
Pierres à aiguiser de toute sorte		id.
Chaux et plâtre		id.
Graphite et plombagine		id.
Crayons :		
Simple en pierre	1	00 les 100 kilo.
Composés, à gaine du bois :	10	pour cent de la valeur.
Parfumeries :		
Alcooliques		Régime de l'alcool.
Autres	10	00 les 100 kilo.
Moutarde	5	00 id.
Chicorée brûlée ou moulue	5	00 id.
Bougies de toute sorte	10	pour cent de la valeur.
Chandelles		id.
Colle de poisson	40	00 les 100 kilo.
Extraits de viande		Exemptes.
Chocolat et cacao simplement broyé	35	00 les 100 kilo.
Eaux minérales, cruchons compris		Exemptes.
Papier de toute sorte	10	00 les 100 kilo.
Cartons en feuilles de toute sorte		id.
Cartons moulés, coupés et assemblés	10	pour cent de la valeur.
Livres en langues Française, morte ou étrangères		Exemptes.
Gravures, lithographies, photographies et dessins de toute sorte sur papier		id.
Cartes géographiques		id.
Musique gravée		id.
Étiquettes imprimées, gravées et coloriées		id.
Objets de collection hors de commerce		id.

Dénomination des Articles.	Taux des Droits.	
	1861.	Au 1er Oct. 1864.
	Fr. c.	
Statues :		
Modernes en marbre ou en pierre..		Exempta.
Modernes en métal de grandeur naturelle au moins		id.
Bimbeloterie	10 pour cent de la valeur.	id.
Vannerie		id.
Parasols et parapluies		id.
Cheveux ouvrés		Exempta.
Balais communs		id.
Bois de chêne et de noyer..		id.
Bitumes de toute sorte		id.
Amidon	1 50 les 100 kilo.	
Soufre brut, épuré ou sublimé ..		Exempt.
Huiles d'origine ou de fabrication Belge	6 00 les 100 kilo.	
Cartes à jouer	15 pour cent de la valeur.	
Cordes et câbles	15 00 les 100 kilo.	

Tarif B.—Droits à l'entrée en Belgique.

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1864.
		Fr. c.	Fr. c.
Fer :			
Minerais et limailles .. ..	..	Libras.	
Fonte brute et vieux fer	Les 100 kilo.	1 50	1 00
Fer battu, étiré ou laminé	id.	4 00	3 00
Fer-blanc non ouvré	id.	9 00	6 00
Acier non ouvré	id.	1 00	1 00
Cuivre pur ou allié de zinc ou d'étain, brut .. ..	..	Libre.	
Cuivre pur ou allié de zinc ou d'étain, battu, étiré ou laminé, doré ou argenté, filé sur fil ou sur soie ..	Les 100 kilo.	Fr. c. 10 00	
Zinc :			
Brut .. ..	..	Libra.	
Laminé ou étiré	Les 100 kilo.	3 00	3 00
Plomb :			
Brut .. ..	..	Libra.	
Laminé ou étiré	Les 100 kilo.	3 00	3 00
Etain :			
Brut .. ..	..	Libre.	
Laminé, comprenant l'étain de glace	Les 100 kilo.	6 00	6 00
Bismuth brut .. ..	..	Libre.	
Antimoine brut .. ..	..	id.	
Nickel :			
Brut .. ..	..	id.	
Battu, étiré ou laminé	Les 100 kilo.	10 00	10 00
Minerais de toute sorte .. ..	..	Libras.	

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1864.
		Fr. c.	Fr. c.
OUVRAGES EN METAUX.			
Fonte ouvrée	Les 100 kilo.	6 00	4 00
Fer ouvré	id.	9 00	6 00
Clous en fer	id.	6 00	6 00
Fer-blanc ouvré	La valeur.	10 pour cent.	
Acier ouvré (ouvrages d'acier y compris les outils d'acier)	Les 100 kilo.	9 00	6 00
Coutellerie de toute espèce	La valeur.	10 pour cent.	
Instruments de chirurgie, de précision, de physique et de chimie (pour laboratoire) .. .. .	..	Libres.	
Armes blanches et à feu de toute espèce, y compris les pièces détachées .. .. .	..	id.	
Les objets d'équipement paieront le droit afferent à la matière dont ils sont fabriqués.			
Ouvrages en cuivre, étain, plomb, zinc, et nickel purs ou mélangés, y compris la chaudronnerie	La valeur.	10 pour cent.	
Toiles métalliques en fer ou en acier	Les 100 kilo.	9 00	6 00
Toiles en fils de cuivre ou de laiton :			
Pour machines ou mécaniques	id.	14 00	12 00
Autres	La valeur.	10 pour cent.	
Caractères d'imprimerie neufs, clichés et planches gravées pour impression sur papier	Les 100 kilo.	10 00	8 00
Orfèvrerie et bijouterie en or, argent, platine et aluminium	La valeur.	5 pour cent.	
Montres et mouvements d'horlogerie	id.	id.	
Fournitures d'horlogerie	id.	id.	
Machines et pièces détachées de machines :			
En fonte	Les 100 kilo.	6 00	4 00
En fer ou en acier	id.	9 00	6 00
En cuivre ou en toute autre matière	id.	14 00	12 00
En bois	La valeur.	10 pour cent.	
Or et argent battus en feuilles	id.	5 pour cent.	
Sucres :			
Brut de betterave (droit de consommation compris)	Les 100 kilo.	Fr. c.	
Raffinés, mélis, lumps et candis (droit de consommation compris)	id.	46 20	
Carrosserie	La valeur.	60 00	
Tabletterie (ouvrages en ivoire)	id.	10 pour cent.	
Peaux brutes .. .. .	..	id.	
Peaux de chèvre et de mouton, tannées en croûte .. .. .	..	Libres.	
Peaux tannées et corroyées	Les 100 kilo.	Fr. c.	
Peaux autrement préparées	id.	5 00	
Ouvrages en peaux et en cuir de toute espèce	id.	15 00	
Meubles et ouvrages en bois de toute espèce et futailles	La valeur.	30 00	
Bâtiments de mer de toute espèce et bateaux de rivière	id.	10 pour cent.	
Articles d'emballage ayant déjà servi	{ Le tonneau de jauge de 1½ mètre cube. }	id.	
	..	6 00	
		Libres.	

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1861.
		Fr. c.	Fr. c.
Lins, &c.			
Filaments végétaux bruts, peignés, non spécialement tarifés. . . . .	..	Libres.	
Fils de lin, de chanvre et de jute, mesurant au kilogramme :			
20,000m. ou moins :			
Non tors et non teints	Les 100 kilo.	15 00	10 00
Tors ou teints	id.	22 50	15 00
Plus de 20,000m :			
Non tors et non teints	id.	30 00	20 00
Tors ou teints	id.	45 00	30 00
Tissus de lin, de chanvre et de jute de toute espèce	La valeur.	15 pour cent.	
Bonneterie, passementerie et rubanerie	id.	id.	
Tulles de lin	id.	id.	
Batistes et linons	id.	10 pour cent.	
Dentelles de lin	id.	5 pour cent.	
Vêtements et autres articles en lin, confectionnés en tout ou en partie	id.	10 pour cent.	
Articles non dénommés	id.	15 pour cent.	
Tissus mélangés quand le lin ou le chanvre domine en poids	La valeur.	15 pour cent.	
Les fils de tous autres végétaux filamenteux purs ou mélangés suivront le même régime que les fils de lin et de chanvre.			
Tissus en végétaux non dénommés	id.	10 pour cent.	
Crin brut, frisé ou autrement préparé .. ..	..	Libres.	
Tissus et ouvrages de crin ou de poil de vache purs ou mélangés	La valeur.	10 pour cent.	
Coton :			
Coton brut, y compris les ouates ..	..	Libre.	
Fils de coton écreu ou blanchi mesurant au demi-kilogramme :			
20,000 mètres ou moins	Les 100 kilo.	15 00	
20,000 à 30,000 mètres	id.	20 00	
30,000 à 40,000 mètres	id.	30 00	
Plus de 40,000 mètres	id.	40 00	
Fils de coton teints ou ourdis ..	Le droit sur le fil écreu ou blanchi augmenté de 10fr. par 100 kilo.		
Tissus de coton écreu, unis, croisés, coutils :			
1re classe, pesant, 11 kilog. et plus les 100 mètres carrés :			
De 35 fils et moins aux 5 millimètres carrés	Les 100 kilo.	50 00	
De 36 fils et plus	id.	80 00	
2e classe, pesant de 7 à 11 kilog. exclusivement les 100 mètres carrés :			
De 35 fils et moins	id.	60 00	
De 36 à 43 fils	id.	100 00	
De 44 fils et plus	id.	200 00	

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1 ^{er} Oct. 1864.
		Fr. c.	Fr. c.
3 ^e classe, pesant de 3 à 7 kilog. exclusivement les 100 mètres carrés :			
De 27 fils et moins	Les 100 kilo.	80 00	
De 28 à 35 fils	id.	120 00	
De 36 à 43 fils	id.	190 00	
De 44 fils et plus	id.	300 00	
Tissus de coton :			
Blanchis .. ..	..	15 p. c. en sus du droit sur l'écrû.	
Teints .. ..	..	25fr. par 100 kilo. en sus du droit sur l'écrû.	
Imprimés	La valeur.	15 pour cent.	
Velours de coton :			
Façon soie dits velvets :			
Écrus	Les 100 kilo.	85 00	
Teints ou imprimés	id.	110 00	
Autres (cords, moleskins, &c.) :			
Écrus	id.	60 00	
Teints ou imprimés	id.	85 00	
Tissus de coton écrû, unis ou croisés, pesant moins de 3 kilog. par 100 mètres carrés	La valeur.	15 pour cent.	
Piquets, basins façonnés, damassés et brillantés	id.	id.	
Couvertures de coton	id.	id.	
Tulles unis ou brodés	id.	id.	
Gazes et mousselines brodées ou brochées pour ameublement ou tentures	id.	id.	
Vêtements et autres articles confectionnés en tout ou en partie ..	id.	id.	
Articles non dénommés	id.	id.	
Bonneterie	id.	id.	
Passementerie	id.	id.	
Rubannerie	id.	id.	
Broderie à la main	id.	10 pour cent.	
Dentelles et blondes de coton ..	id.	5 pour cent.	
Les fils de coton mélangés payeront les mêmes droits que les fils de coton pur, pourvu que le coton domine en poids dans le mélange.			
Tissus de coton mélangé quand le coton domine en poids	id.	15 pour cent.	
Le Gouvernement Belge se réserve la faculté de substituer, en tout ou en partie, aux taxes spécifiques sur les tissus et velours de coton, un droit de 15 per cent de la valeur.			
Laines :			
Laines en masse		Libres.	
Laine teinte en masse	Les 100 kilo.	10 00	
Laine peignée ou teinte	id.	id.	
Les poils de chèvre, d'alpaga, lama, de vigogne et de chameau sont assimilés à la laine.			
Fils non tors et non teints	id.	25 00	30 00
Fils tors ou teints	id.	35 00	30 00

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1864.
		Fr. c.	Fr. c.
Tissus de laine	La valeur.	15 p. c.	10 p. c.
Fentre de toute sorte	id.	id.	id.
Convertures de laine	id.	id.	id.
Tapis de toute espèce	id.	15 pour cent.	
Bonneterie de laine	id.	15 p. c.	10 p. c.
Passementerie de laine			
Rubannerie de laine			
Dentelles de laine			
Chaussons de lisière	id.	10 pour cent.	
Châles et écharpes de cachemire des Indes.	id.	5 pour cent.	
Articles non dénommés	id.	15 p. c.	10 p. c.
Lisières de drap de toute espèce, entières ou coupées .. ..	..	Libres.	
Vêtements confectionnés neufs et vieux	La valeur.	10 pour cent.	
Les fils et tissus de laine et de ses similaires mélangés de coton ou d'autres filaments quelconques payeront les mêmes droits que les fils et tissus de laine pure, pourvu que la laine et ses similaires dominent en poids dans le mélange.			
Soies :			
Soies en cocons .. ..	..	Libres.	
Soies gréges, moulinées et filées .. ..	..	id.	
Tissus de toute espèce	Les 100 kilo.	300 00	
Passementerie, bonneterie et rubannerie	id.	id.	
Tulles et dentelles	La valeur.	5 pour cent.	
PRODUITS CHIMIQUES.			
Acides :			
Nitrique	Les 100 kilo.	Libres.	
Sulfurique		6 00	
Acétique		2 00 | 0 66	
Hydrochlorique		4 00 | 2 00	
Chlorure de chaux	id.	8 00 | 2 00	
Sels ammoniacaux	id.	Libres.	
Bleu de Prusse .. ..	..	id.	
Carmins de toute sorte et kermès en poudre .. ..	..	id.	
Cendres bleues et vertes .. ..	..	id.	
Laques en teinture ou en trochisques .. ..	..	id.	
Vert de montagne .. ..	..	id.	
Maurelle et stil de grains .. ..	..	id.	
Essence de houille	..	id.	
Servant comme couleur .. ..	..	id.	
Autres	Les 100 kilo.	2 00	
Sels de potasse .. ..	..	Libres.	
Sels de soude :			
Carbonates	Les 100 kilo.	3 00	
Sulfates et sulfites	id.	1 50	
Autres, le sel marin excepté .. ..	..	Libres.	
Produits chimiques non dénommés.	Les 100 kilo.	2 00	
Teintures et couleurs préparées à l'huile	id.	6 00	
Teintures et couleurs autres .. ..	..	Libres.	

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1 ^{er} Oct. 1864.
		Fr. c.	Fr. c.
Les sels de soude mélangés de plus de 15 pour cent de sel marin acquitteront le droit sur le sel raffiné.			
VERRETERIE ET CRISTALLERIE.			
Glaces brutes, étamées ou polies ..	La valeur.	10 pour cent.	
Bouteilles de toute forme et autres objets en verre à bouteille..	Les 100 kilo.	2 00	
Verres :			
A vitre	} La valeur.	10 pour cent.	
De couleur			
Polis ou gravés			
De montre ou d'optique			
Objets en verre ou en cristal, unis ou moulés, non coloriés et non taillés	Les 100 kilo.	12 00	
Objets en verre ou en cristal, taillés, gravés ou coloriés	La valeur.	10 pour cent.	
Émaux	id.	id.	
Objets en verre non dénommés ..	id.	id.	
Groisil et verre cassé .. .. .	..	Libre.	
Le droit sur les bouteilles et autres objets en verre à bouteille sera réduit à 1 franc en cas de suppression de la taxe supplémentaire, prévue à l'Article IV du Traité.			
POTERIES.			
Terre cuite :			
Carreaux, briques, et tuiles ..	..	Libres.	
Tuyaux de drainage et autres ..	..	id.	
Poterie commune de terre ou de grès, vernissée ou non, de toute sorte y compris les pipes de terre..	Les 100 kilo.	1 50	
Cornues à gaz, creusets de toute sorte y compris les creusets en graphite et en plombagine	id.	1 50	
Falences, cailloutage, grès fin ..	La valeur.	20 p.c.	15 p.c.
Porcelaines de toute sorte, blanches ou décorées, parian et biscuit blanc	id.	15 p.c.	10 p.c.
ARTICLES DIVERS.			
Fleurs artificielles	id.	10 pour cent.	
Objets de mode et chapeaux	id.	id.	
Tresse de paille de toute sorte ..	id.	5 pour cent.	
Mercerie de toute sorte	id.	10 pour cent.	
Boutons fins ou communs autres que de passementerie	id.	id.	
Brosserie de toute espèce	id.	id.	
Instruments de musique et pièces détachées d'instruments	id.	6 pour cent.	
Épingles de toute sorte	id.	10 pour cent.	
Caoutchouc et gutta-percha :			
Bruts en feuilles ou filés .. .. .	..	Libres.	
Ouvrés, purs ou mélangés.. .. .	La valeur.	10 pour cent.	
Toiles cirées de toute sorte	id.	id.	
Cire à cacheter	id.	id.	
Cirage de toute sorte .. .. .	..	Libre.	

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1864.
		Fr. c.	Fr. c.
Encre à écrire ou à dessiner ..	La valeur.	10 pour cent.	
Encre à imprimer	id.	Libres.	
Cordes et câbles :			
De 5 centimètres de diamètre et plus	Les 100 kilo.	6 00	
De moins de 5 centimètres de diamètre	id.	15 00	
Filets de toute espèce	La valeur.	10 pour cent.	
Epices préparées (sauces) et moutardes	id.	15 pour cent.	
Bières et autres boissons fermentées, droit de consommation compris :			
En cercle	L'hectolitre.	6 00	
En bouteilles	id.	7 00	
Mélasses et sirops importés pour la distillation .. ..	..	Libres.	
Eaux-de-vie de toute espèce (droit de consommation compris).			
A 50 degrés ou moins	L'hectolitre.	45 00	42 50
Pour chaque degré au-dessus de 50	id.	0 90	0 85
Eaux-de-vie en bouteilles et liqueurs, sans distinction de degré (droit de consommation compris)	id.	35 00	
Autres liquides alcooliques (droit de consommation compris) ..	id.	60 00	
Poils non spécialement tarifés bruts ou filés .. ..	..	Libres.	
Plumes à écrire :			
Brutes .. ..	..	id.	
Apprêtées	La valeur.	10 pour cent.	
Plumes à lit de toute sorte, dures et autres .. ..	..	Libres.	
Cheveux ouvrés	La valeur.	10 pour cent.	
Cire :			
Brute, jaune ou blanche ..	..	Libre.	
Ouvrée	La valeur.	10 pour cent.	
Lait .. ..	..	Libre.	
Fromages de toute espèce ..	Les 100 kilo.	10 00	
Beurre	id.	5 00	
Miel	id.	12 00 *	
Homards	id.	10 00 *	
Huîtres	id.	10 00	
Autres coquillages de toute espèce	..	Libres.	
Harengs de toute espèce, plies séchées et stockfish	Les 100 kilo.	1 50	
Autres poissons de toute espèce, frais, secs, salés ou fumés à l'exclusion de la morue	id.	6 00	
Graisse de poisson et blanc de baleine ou de cachalot	id.	2 00	
Huiles :			
De fabrique	id.	2 00	
De graines et huiles alimentaires	id.	6 00	
Fanons de baleine bruts .. ..	..	Libres.	

* Ce droit sera applicable aux homards et aux huîtres qui sont en destination des parcs ou huîtrières, comme à ceux qui sont livrés directement à la consommation.

Dénomination des Articles.	Base.	Taux des Droits.	
		1861.	Au 1er Oct. 1864.
Peaux de chien de mer et de phoque, brutes, fraîches ou sèches .. .. .	..		Libres.
Matières animales brutes, savoir: oreillons, os et sabots de bétail et cornes de bétail brutes ..	..		id.
Corail brut ou taillé et non monté ..	..		id.
Drogueries	Les 100 kilo.		2 00
Sont compris dans cette classe les articles suivants, savoir: cantharides, civettes, musc, castoréum, ambre gris, fruits à distiller, storax, styrax, sarcocolle, kino et autres sucs végétaux desséchés, racines médicinales de toute espèce, herbes, fleurs, feuilles et écorces médicinales, agaric (amadou), kermès minéral, extrait de quinquina, camphre brut ou raffiné, preiss, éponges de toute sorte et colle de poisson.			
Résines de toute sorte, même distillées .. .. .	..		Libres.
Jus de réglisse	Les 100 kilo.		12 00
Liège:			
Brut et râpé de toute sorte ..	..		Libre.
Ouvré	La valeur.		10 pour cent.
Bois de chêne et de noyer ..	Le mètre cube.		1 00
Bois de teinture, même moulus ..	..		Libres.
Joncs et roseaux bruts .. ..	..		id.
Ecorces à tan de toute sorte, même moulues .. .. .	..		id.
Balais communs .. .. .	..		id.
Pommes de terre .. .. .	..		id.
Betteraves .. .. .	..		id.
Houblon	Les 100 kilo.		1 50
Graines oléagineuses	id.		2 00
Graines à semer .. .. .	..		Libres.
Légumes salés ou confits au vinaigre ..	Les 100 kilo.		20 00
Racines de chicorée, vertes ou sèches .. .. .	..		Libres.
Plantes alcalines .. .. .	..		id.
Pierres de toute sorte, y compris les marbres et l'albâtre:			
Brutes, taillées ou sciées ..	..		id.
Polies ou sculptées	La valeur.		10 pour cent.
Ardoises pour toiture	Les 1,000.		4 00
Meules et pierres à aiguiser de toute sorte .. .. .	..		Libres.
Pierres gemmes de toute sorte ..	..		id.
Chaux et plâtre .. .. .	..		id.
Graphite et plombagine .. ..	..		id.
Bitumes de toute sorte .. ..	..		id.
Crayons simples et composés ..	La valeur.		10 pour cent.
Parfumerie de toute espèce ..	id.		id.
Amidon	Les 100 kilo.		1 50
Chicorée brûlée ou moulue ..	id.		2 00
Bougies de toute sorte et chandelles	La valeur.		10 pour cent.

Dénomination des Articles,	Base.	Taux des Droits.	
		1861.	Au 1 ^{er} Oct. 1864.
Savons de toute espèce	Les 100 kilo.	10 00	
Le droit de 10 francs sera réduit à 6 francs en cas de suppression de la taxe supplémentaire prévue à l'Article IV du Traité.			
Extraits de viande	id.	20 00	
Chocolat et cacao simplement broyé	id.	35 00	
Eaux minérales (cruchon compris)	id.	2 00	
Papiers de toute sorte	id.	10 00	8 00
Carton en feuilles de toute sorte ..			
Cartons moulés, coupés et assem- blés			
	La valeur.	10 pour cent.	
Livres en langues Françaises, mortes ou étrangères .. .. .	..	Libres.	
Gravures, photographies et litho- graphies de portefeuille .. .. .	..	id.	
Cartes géographiques de portefeuille	..	id.	
Musique gravée .. .. .	..	id.	
Étiquettes imprimées, gravées et coloriées .. .. .	..	id.	
Dessins industriels de toute sorte sur papier .. .. .	..	id.	
Objets de collection hors de com- merce .. .. .	..	id.	
Statues :			
Modernes en marbre ou en pierre	..	id.	
En métal de grandeur naturelle au moins .. .. .	..	id.	
Bimbeloterie	La valeur.	10 pour cent.	
Parapluies et parasols			
Cartes à jouer			
Soufre brut, épuré ou sublimé ..	..	Libre.	
Poudre à tirer	Les 100 kilo.	15 00	

Tarif C.—Sortie de France.

Peaux brutes .. .. .	..	Exempts.
Oreillons .. .. .	..	id.
Os de toute espèce et cornes de bétail	..	id.
Tourteaux de graines oléagineuses ..	..	id.
Engrais .. .. .	..	id.
Soies :		
En cocons .. .. .	..	id.
Teintes de toute sorte .. .. .	..	id.
A coudre .. .. .	..	id.
Bourre de soie filée .. .. .	..	id.
Chiffons de laine sans mélange ..	..	id.
Chardons, cardères .. .. .	..	id.
Noir animal .. .. .	..	id.
Meules .. .. .	..	id.
Bois de noyer .. .. .	..	id.
Autres chiffons et drilles de toute espèce	}	12fr. les 100 kilo.
Pâte à papier		
Vieux cordages goudronnés ou non ..	..	4fr. les 100 kilo.

Tarif D.—Sortie de Belgique.

Dénomination des Articles.	Base.	Taux des Droits.
Roupes et mouchures de lin et de chanvre .. .. .	..	Libres.
Mineral de fer de toute sorte ..	..	id.
Os de toute espèce et corne de bétail ..	..	id.
Chiffons de laine sans mélange ..	..	id.
Autres chiffons et drilles de toute espèce	} Les 100 kilo.	12 franca.
PA'e à papier		
Vieux cordages, goudronnés ou non	id.	4 franca.

Pour le mineral de fer actuellement prohibé, la libre exportation prendra cours à partir du 1er Janvier, 1862.

(L.S.) E. THOUVENEL.

(L.S.) E. ROUHER.

(L.S.) FIRMIN ROGIER.

(L.S.) LIEDTS.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent Décret.

Fait à Paris, le 27 Mai, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères THOUVENEL.

DECRET de l'Empereur des Français, portant promulgation de la Convention de Navigation, conclue le 1 Mai, 1861, entre la France et la Belgique.—Paris, le 27 Mai, 1861.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention de Navigation ayant été conclue, le 1er Mai, 1861, entre la France et la Belgique, et les ratifications de cet acte ayant été échangées à Paris, le 27 Mai, 1861, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté le Roi des Belges; animés d'un égal désir de contribuer au développement des

relations commerciales et maritimes entre les deux pays, en assurant à leurs pavillons respectifs la jouissance d'un régime réciproquement avantageux, ont résolu de conclure à cet effet une Convention, et ont nommé pour leurs Plénipotentiaires, Savoir :

Sa Majesté l'Empereur des Français, M. Thouvenel, Sénateur de l'Empire, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, Chevalier de l'Ordre de Léopold de Belgique, &c., son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ; et M. Rouher, Sénateur de l'Empire, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, &c., son Ministre et Secrétaire d'Etat au Département de l'Agriculture, du Commerce, et des Travaux Publics ;

Et Sa Majesté le Roi des Belges, M. Firmin Rogier, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français ; et M. Charles Liedts, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Officier de l'Ordre Impérial de la Légion d'Honneur &c., son Ministre d'Etat en Mission Extraordinaire près Sa Majesté l'Empereur des Français ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura pleine et entière liberté de commerce et de navigation entre les sujets des deux Hautes Parties Contractantes : ils ne payeront pas, à raison de leur commerce ou de leur industrie, dans les ports, villes ou lieux quelconques des deux Etats, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, de droits, taxes ou impôts, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui se percevront sur les nationaux ; et les privilèges, immunités et autres faveurs quelconques dont jouissent, en matière de commerce, les citoyens de l'un des deux Etats, seront communs à ceux de l'autre.

II. Les navires Français venant directement des ports de France, avec chargement, et sans chargement de tout port quelconque, ne payeront dans les ports de Belgique, soit à l'entrée, soit à la sortie, soit durant leur séjour, d'autres ni de plus forts droits de tonnage, de pilotage, de quarantaine, de port, de phares ou autres charges qui pèsent sur la coque du navire, sous quelque dénomination que ce soit, perçus au profit de l'Etat, des communes, des corporations locales, de particuliers ou établissements quelconques, que ceux dont sont ou seront passibles, en Belgique, les navires Belges venant des mêmes lieux et ayant la même destination.

Par réciprocité, et jusqu'à ce qu'il convienne à la Belgique d'exempter ses propres navires de tout droit de tonnage, comme la France le fait pour les siens, les navires Belges venant directement

des ports de Belgique avec chargement, et sans chargement de tout port quelconque, ne payeront dans les ports de France, soit à l'entrée, soit à la sortie, soit durant leur séjour, d'autres ni de plus forts droits de tonnage que ceux que les navires Français auront à payer en Belgique, conformément à la stipulation qui précède. Ils seront, d'ailleurs, assimilés aux navires Français pour tous les autres droits ou charges énumérés dans le présent article.

Les exceptions à la franchise de pavillon qui atteindraient en France les navires Français venant d'ailleurs que de la Belgique ou allant ailleurs qu'en Belgique, seront communes aux navires Belges faisant les mêmes voyages, et cette disposition sera réciproquement applicable en Belgique aux navires Français.

III. Seront complètement affranchis des droits de tonnage et d'expédition dans les ports respectifs :

1°. Les navires qui, entrés sur lest de quelque lieu que ce soit, en ressortiront sur lest ;

2°. Les navires qui, passant d'un port de l'un des deux Etats dans un ou plusieurs ports du même Etat, soit pour y déposer tout ou partie de leur cargaison, soit pour y composer ou compléter leur chargement, justifieront avoir déjà acquitté ces droits ;

3°. Les navires qui, entrés avec chargement dans un port, soit volontairement, soit en relâche forcée, en sortiront sans avoir fait aucune opération de commerce.

Ne seront pas considérés, en cas de relâche forcée, comme opération de commerce, le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire en cas d'innavigabilité du premier, les dépenses nécessaires au ravitaillement des équipages et la vente des marchandises avariées, lorsque l'administration des Douanes en aura donné l'autorisation.

IV. Le pavillon Français continuera à jouir en Belgique du remboursement du droit de péage sur l'Escaut, tant que le pavillon Belge en jouira lui même.

V. Les navires des deux nations naviguant au cabotage seront traités de part et d'autre sur le même pied que les navires des nations les plus favorisées.

VI. Les deux Hautes Parties Contractantes se réservent la faculté d'imposer sur tout article mentionné dans le présent Traité, ou sur tout autre article, des droits de débarquement ou d'embarquement affectés à la dépense des établissements nécessaires au port d'importation et d'exportation.

Mais, en ce qui concerne le placement des navires, leur chargement ou leur déchargement dans les ports, rades, havres ou bassins, et généralement pour toutes les formalités ou dispositions quelconques auxquelles peuvent être soumis les navires de commerce,

leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans l'un des deux États, aucun privilège, ni aucune faveur qui ne le soit également aux navires de l'autre Puissance, la volonté des Hautes Parties Contractantes étant que, sous ce rapport aussi, les bâtiments Français et les bâtiments Belges soient traités sur le pied d'une parfaite égalité.

VI. La nationalité des bâtiments sera admise, de part et d'autre, d'après les lois et règlements particuliers à chaque pays, au moyen des titres et patentes délivrés par les autorités compétentes aux capitaines, patrons et bateliers.

VIII. Tous les produits et autres objets de commerce dont l'importation ou l'exportation pourra légalement avoir lieu dans les États de l'une des Hautes Parties Contractantes par navires nationaux, pourront également y être importés ou en être exportés par des navires de l'autre Puissance. Les marchandises importées dans les ports de la France ou de la Belgique par les navires de l'une ou de l'autre Puissance pourront y être livrées à la consommation, au transit ou à la réexportation, ou enfin être mises en entrepôt, au gré du propriétaire ou de ses ayants cause, le tout sans être assujetties à des droits de magasinage, de surveillance ou autres de même nature, plus forts que ceux auxquels seront soumises les marchandises apportées par navires nationaux.

IX. Les marchandises de toute nature importées directement de Belgique en France sous pavillon Belge, et réciproquement, les marchandises de toute nature importées directement de France en Belgique sous pavillon Français, jouiront des mêmes exemptions, restitutions de droits, primes ou autres faveurs quelconques, elles ne payeront respectivement d'autres ni de plus forts droits de douane, de navigation ou de péage, perçus au profit de l'État, des communes, des corporations locales, de particuliers ou d'établissements quelconques, et ne seront assujetties à aucune autre formalité que si l'importation en avait lieu sous pavillon national.

Le pavillon Français est assimilé au pavillon Belge pour l'importation du sel brut de toute provenance.

X. Le bénéfice des Articles II et VIII de la présente Convention est acquis aux bâtiments Français se rendant, chargés ou sur lest, des ports de l'Algérie en Belgique, et *vice versa*.

Les bâtiments sous pavillon Belge employés au même inter-cours jouiront, dans les ports de l'Algérie, d'une réduction de 50 pour cent sur le taux général des droits de tonnage.

XI. Les marchandises de toute nature qui seront exportées de Belgique par navires Français, ou de France par navires Belges, pour quelque destination que ce soit, ne seront pas assujetties à d'autres droits ni formalités de sortie que si elles étaient exportées par navires nationaux, et elles jouiront, sous l'un et l'autre

pavillon, de toute prime ou restitution de droits et autres faveurs qui sont ou seront accordées dans chacun des deux pays à la navigation nationale.

XII. Les navires Français entrant dans un port de Belgique, et, réciproquement, les navires Belges entrant dans un port de France, et qui n'y voudraient décharger qu'une partie de leur cargaison, pourront, en se conformant aux lois et règlements des Etats respectifs, conserver, à leur bord la partie de leur cargaison qui serait destinée à un autre port, soit du même pays, soit d'un autre, et la réexporter sans être astreints à payer, pour cette dernière partie de leur cargaison, aucuns droits de douane, sauf ceux de surveillance, lesquels d'ailleurs ne pourront être perçus qu'au taux fixé pour la navigation nationale.

XIII. Les stipulations des Articles I, II, VI, VII, VIII, IX, XI et XII, s'appliquent tant à la navigation par rivières et par canaux qu'à la navigation maritime, de manière que, nommément par rapport aux droits de douane, aux droits de navigation pesant, soit sur les navires, soit sur les cargaisons, ainsi qu'à tout autre droit ou charge, de quelque nature ou dénomination que ce soit, les navires, ou bateaux appartenant à l'une ou l'autre Partie Contractante, ainsi que leurs chargements, ne pourront être grevés de droits autres ou plus élevés que ceux dont sont ou seront frappés les navires ou bateaux nationaux et leurs chargements; ils ne pourront non plus être soumis à des formalités autres ou plus onéreuses que celles auxquelles sont assujettis les navires ou bateaux nationaux et leurs chargements.

Les bateliers Belges naviguant dans les eaux intérieures de la France, et, réciproquement, les bateliers Français naviguant dans les eaux intérieures de la Belgique, jouiront du même traitement que les bateliers nationaux, quant au droit de patente.

XIV. Il est fait exception aux stipulations de la présente Convention, en ce qui concerne les avantages dont les produits de la pêche nationale sont ou pourront être l'objet dans l'un ou l'autre pays.

XV. Les Consuls, Vice-Consuls et Agents Consulaires de chacune des deux Hautes Parties Contractantes, résidant dans les Etats de l'autre, recevront des autorités locales toute aide et assistance pour la recherche, saisie et arrestation des marins et autres individus faisant partie de l'équipage des navires de guerre ou de commerce de leur pays respectif, qu'ils soient ou non inculpés de crimes, délits ou contraventions commis à bord desdits bâtiments.

A cet effet, ils adresseront par écrit aux tribunaux, juges ou fonctionnaires compétents et justifieront par l'exhibition des registres du bâtiment, rôle d'équipage ou autres documents officiels, ou

bien, si le navire était parti, par la copie desdites pièces dûment certifiées par eux, que les hommes qu'ils réclament ont réellement fait partie dudit équipage.

Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée.

Lesdits déserteurs, lorsqu'ils auront été arrêtés, resteront à la disposition des Consuls, Vice-Consuls ou Agents Consulaires, et pourront même être détenus et gardés dans les prisons du pays, à la réquisition et aux frais des agents précités, jusqu'au moment où ils seront réintégrés à bord du bâtiment auquel ils appartiennent, ou jusqu'à ce qu'une occasion se présente de les renvoyer dans le pays desdits agents, sur un navire de la même ou de toute autre nation.

Si pourtant cette occasion ne se présentait pas dans le délai de deux mois, à compter du jour de leur arrestation, ou si les frais de leur emprisonnement n'étaient pas régulièrement acquittés par la partie à la requête de laquelle l'arrestation a été opérée, lesdits déserteurs seront remis en liberté sans qu'ils puissent être arrêtés de nouveau pour la même cause.

Néanmoins, si le déserteur avait commis, en outre, quelque délit à terre, son extradition pourra être différée par les autorités locales jusqu'à ce que le tribunal compétent ait dûment statué sur le dernier délit, et que le jugement intervenu ait reçu son entière exécution.

Il est également entendu que les marins ou autres individus faisant partie de l'équipage, sujets du pays où la désertion a lieu, sont exceptés des stipulations du présent article.

XVI. Toutes les opérations relatives au sauvetage des navires Belges naufragés sur les côtes de France seront dirigées par les Consuls ou Vice-Consuls de Belgique, et, réciproquement, les Consuls et Vice-Consuls Français dirigeront les opérations relatives au sauvetage des navires de leur nation, naufragés ou échoués sur les côtes de Belgique.

L'intervention des autorités locales aura seulement lieu dans les deux pays pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il est, de plus, convenu que les marchandises sauvées ne seront tenues à aucun droit de douane, à moins qu'elles ne soient admises à la consommation intérieure.

XVII. Lesdits Consuls, Vice-Consuls et Chanceliers des Hautes Parties Contractantes jouiront respectivement, dans les deux pays,

des avantages de toute sorte accordés ou qui pourront être accordés à ceux de la nation la plus favorisée : le tout, bien entendu, sous condition de réciprocité.

XVIII. Les deux Hautes Parties Contractantes ne pourront accorder aucun privilège, faveur ou immunité concernant le commerce ou la navigation à un autre Etat, qui ne soit aussi, et à l'instant, étendu à leurs sujets respectifs.

XIX. La présente Convention, qui remplacera celle du 17 Novembre, 1849, restera en vigueur pendant 10 années, à partir du jour de l'échange des ratifications. Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait signifié, 12 mois avant l'expiration de ladite période de 10 années, son intention d'en faire cesser les effets, la Convention continuera à rester en vigueur encore une année, et ainsi de suite d'année en année, jusqu'à l'expiration d'une année, et ainsi de suite d'année en année, jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XX. Les ratifications de la présente Convention seront échangées à Paris en même temps que celles du Traité de commerce et de la Convention littéraire, signés sous la date de ce jour, dans le délai de deux mois ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait en double expédition à Paris, le premier jour du mois de Mai de l'an de grâce 1861.

(L.S.) E. THOUVENEL.

(L.S.) E. ROUHER.

(L.S.) FIRMIN ROGIER.

(L.S.) LIEDTS.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 27 Mai, 1861.

Par l'Empereur :

NAPOLEON.

Le Ministre des Affaires Etrangères THOUVENEL.

• DECRET de l'Empereur des Français, qui déclare applicables à l'Angleterre les dispositions du Traité de Commerce, conclu le 1 Mai, 1861, entre la France et la Belgique.—Paris, le 29 Mai, 1861.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département de l'Agriculture, du Commerce et des Travaux Publics ;

Vu le Traité de Commerce conclu entre la France et l'Angleterre, le 23 Janvier, 1860,* ainsi que les Conventions annexes des 12 Octobre et 16 Novembre† de la même année.

Vu le Traité de Commerce conclu le 1er Mai, 1861,‡ entre la France et la Belgique.

Avons décrété et décrétons ce qui suit :

ART. 1. Les dispositions du Traité de Commerce conclu le 1er Mai, 1861, entre la France et la Belgique, sont applicables à l'Angleterre.

II. Nos Ministres Secrétaires d'Etat au Département de l'Agriculture, du Commerce et des Travaux Publics, et au Département des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret.

Fait au Palais des Tuileries, le 29 Mai, 1861.

Par l'Empereur :

NAPOLÉON.

Le Ministre Secrétaire d'Etat au Département de l'Agriculture, du Commerce et des Travaux Publics,
E. ROUHER.

DECRET de l'Empereur des Français, portant promulgation du Traité de Commerce, conclu le 29 Avril, 1861, entre la France et la Turquie.—Vichy, le 14 Juillet, 1861.

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères.

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité de Commerce ayant été conclu, le 29 Avril, 1861, entre la France et la Turquie, et les ratifications de cet acte ayant été échangées à Constantinople, le 29 Juin, 1861, ledit Traité, dont la teneur suit, recevra sa pleine et entière exécution.

Au nom de Dieu tout-puissant !

Sa Majesté l'Empereur des Français et Sa Majesté Impériale le Sultan, voulant donner par un acte spécial et additionnel une nouvelle extension aux relations heureusement établies entre leurs Etats par le Traité de Commerce du 25 Novembre, 1838,§ ont, à

* Vol. L. Page 13.

† Page 698.

‡ Vol. L. Pages 81, 48.

§ Vol. L. Page 1264.

l'effet d'atteindre ce but, nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, le sieur Charles-Jean-Marie-Félix Marquis de la Valette, Sénateur de l'Empire, Grand Officier de son Ordre Impérial de la Légion d'Honneur, décoré des Ordres Impériaux du Medjidié de première classe et du Nichan-Istihar, &c., son Ambassadeur près Sa Majesté Impériale le Sultan.

Et Sa Majesté Impériale le Sultan, Mouhammed Emin Aali Pacha, Président du Conseil du Tanzimat, et son Ministre des Affaires Etrangères par intérim, décoré des Ordres Impériaux du Medjidié et du Mérite de première classe, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, &c.

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Tous les droits, privilèges et immunités qui ont été conférés aux sujets et aux bâtimens Français par les capitulations et les Traités antérieurs, sont confirmés à l'exception des clauses desdits Traités que le présent Traité a pour objet de modifier. Il est, en outre, expressément entendu que les droits, privilèges et immunités que la Sublime-Porte accorde aujourd'hui ou pourrait accorder à l'avenir aux sujets et aux bâtimens de toute autre Puissance étrangère, seront également accordés aux sujets et aux bâtimens Français, qui en auront de droit l'exercice et la jouissance.

II. Les sujets de Sa Majesté l'Empereur des Français ou leurs ayants cause pourront acheter dans toutes les parties de l'Empire Ottoman, soit qu'ils veuillent en faire le commerce à l'intérieur, soit qu'ils se proposent de les exporter, tous les articles, sans exception, provenant du sol ou de l'industrie de ce pays. La Sublime Porte ayant, en vertu de l'Article II du Traité du 25 Novembre, 1838, formellement aboli tous les monopoles qui frappaient les produits de l'agriculture et toutes les autres productions quelconques de son territoire, et ayant aussi renoncé à l'usage des teskerés demandés aux autorités locales pour l'achat de ces mêmes marchandises, ou pour les transporter d'un lieu à un autre quand elles étaient achetées, il demeure entendu que tous les engagements stipulés dans l'Article II dudit Traité, restent en pleine vigueur.

III. Les marchands Français ou leurs ayants cause qui achèteront un objet quelconque, produit du sol ou de l'industrie de la Turquie, dans le but de le revendre pour la consommation dans l'intérieur de l'Empire Ottoman, payeront, lors de l'achat ou de la vente, les mêmes droits qui sont payés, dans les circonstances analogues, par les sujets Ottomans les plus favorisés parmi ceux qui se livrent au commerce intérieur.

IV. Tout article produit du sol ou de l'industrie de la Turquie, acheté pour l'exportation, sera transporté, libre de toute espèce de

charge et de tous droits, à un lieu convenable d'embarquement, par les négociants Français ou leurs ayants cause. Arrivé là, il payera un droit unique de 8 pour cent de sa valeur à l'échelle, lequel sera abaissé chaque année de un pour cent, jusqu'à ce qu'il ait été réduit à une taxe fixe et définitive de un pour cent, destinée à couvrir les frais généraux d'administration et de surveillance.

Tout article acheté au lieu d'embarquement, et qui aurait déjà acquitté le droit d'exportation, ne sera naturellement pas soumis au droit d'exportation, si même il a changé de mains.

V. Tout article produit du sol ou de l'industrie de la France et de ses dépendances, et toutes marchandises, de quelque espèce qu'elles soient, embarquées sur des bâtimens Français, et étant la propriété de sujets Français, ou apportées, par terre ou par mer, d'autres pays par des sujets Français, seront admis, comme antérieurement, dans toutes les parties de l'Empire Ottoman, sans aucune exception, moyennant un droit unique et fixe de 8 pour cent calculé sur la valeur de ces articles à l'échelle et payable au moment du débarquement, si elles arrivent par mer, et au premier bureau de Douane, si elles arrivent par voie de terre.

Si ces marchandises, après avoir acquitté le droit de 8 pour cent, sont vendues, soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit, ni du vendeur, ni de l'acheteur. Mais si, n'étant pas vendues pour la consommation de la Turquie, elles étaient réexportées dans l'espace de 6 mois, elles seraient considérées comme marchandises de transit, et traitées comme il est dit ci-dessous à l'Article VIII. L'administration serait, dans ce cas, tenue de restituer immédiatement, au négociant qui fournirait la preuve que le droit de 8 pour cent a été acquitté, la différence entre ce droit d'importation et celui de transit spécifié dans l'article précité.

VI. Il est entendu que les articles d'importation étrangère destinés aux Principautés-Unies de Moldo-Valachie et à celle de Serbie et traversant les autres parties de l'Empire Ottoman n'acquitteront les droits de douane qu'à leur arrivée dans ces principautés, et réciproquement, que les marchandises d'importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman ne devront acquitter les droits de douane qu'au premier bureau de douane administré directement par la Porte.

Il en sera de même pour les produits du sol ou de l'industrie de ces Principautés, aussi bien que pour ceux du reste de l'Empire Ottoman destinés à l'exportation qui devront payer les droits de douane, les premiers entre les mains de l'administration douanière de ces Principautés, et les derniers au fisc Ottoman ;

De telle sorte que les droits d'importation et d'exportation ne pourront, en tous les cas, être perçus qu'une seule fois.

VII. Aucun droit quelconque ne sera prélevé sur les marchandises produit du sol ou de l'industrie de la France et de ses dépendances, ni sur les marchandises provenant du sol ou de l'industrie de tout autre pays étranger, quand ces deux sortes de marchandises embarquées sur des bâtiments Français appartenant à des sujets Français passeront les détroits des Dardanelles, du Bosphore ou de la mer Noire, soit que ces marchandises traversent ces détroits sur les bâtiments qui les ont apportées, ou qu'elles soient transbordées sur d'autres bâtiments, ou que, vendues pour l'exportation, elles soient, pour un temps limité, déposées à terre pour être mises à bord d'autres bâtiments et continuer leur voyage.

Dans ce dernier cas, les marchandises devraient, à Constantinople, être déposées dans les magasins de la douane dits de transit, et partout où il n'y aurait pas d'entrepôt, sous la surveillance de l'administration de la douane.

VIII. La Sublime Porte désirant accorder des facilités au transit par terre au moyen de concessions graduelles, il a été décidé que le droit de 3 pour cent prélevé jusqu'à ce jour sur les marchandises importées en Turquie pour être expédiées dans d'autres pays sera réduit à 2 pour cent dès aujourd'hui, et à une taxe fixe et définitive de 1 pour cent au bout de la huitième année.

La Sublime Porte déclare en même temps se réserver le droit d'établir, par un règlement spécial, les garanties à prendre pour empêcher la fraude.

IX. Les sujets Français ou leurs ayants cause se livrant au commerce des articles produits du sol ou de l'industrie des pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits que les sujets étrangers trafiquant des marchandises provenant de leur propre pays.

X. Par exception aux stipulations de l'Article V, le tabac, sous toutes ses formes, et le sel cessent d'être compris au nombre des marchandises que les sujets Français ont la faculté d'importer en Turquie; en conséquence, les sujets Français ou leurs ayants cause qui achèteront ou vendront du sel ou du tabac pour la consommation de la Turquie seront soumis aux mêmes règlements, et acquitteront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles. Comme compensation de cette restriction, aucune taxe quelconque ne sera perçue à l'avenir sur les mêmes produits exportés de la Turquie par des sujets Français.

Les quantités de tabac et de sel qui seront exportées par les sujets Français ou leurs ayants cause devront être déclarées à l'administration des douanes, qui conservera, comme par le passé, son droit de surveillance sur l'exportation de ces produits, sans que,

pour cela, elle puisse prétendre à aucune rétribution, soit à titre d'enregistrement, soit à tout autre titre.

XI. Les sujets Français ne pourront ne plus dorénavant apporter ni canons, ni poudre, ni armes, ni munitions de guerre. Le commerce de ces divers articles reste sous la surveillance immédiate et spéciale du Gouvernement Ottoman, qui conserve le droit de le régler.

Ne sont pas compris dans les restrictions précédentes les fusils de chasse, les pistolets et les armes de luxe.

XII. Les firmans exigés des bâtimens marchands Français, à leur passage dans les Dardanelles et le Bosphore, leur seront délivrés de manière à leur occasionner le moins de retard possible.

XIII. Les capitaines des bâtimens de commerce Français ayant des marchandises à destination de l'Empire Ottoman seront tenus de déposer à la douane, à peine arrivés au port de débarquement, une copie légalisée de leur manifeste.

XIV. Les marchandises introduites en contrebande seront frappées de confiscation au profit du trésor Ottoman lorsque la fraude aura été dûment constatée; procès-verbal du délit de contrebande sera dressé et communiqué à l'autorité Consulaire dont dépendra le sujet étranger auquel appartiendra la marchandise confisquée.

XV. Toutes les marchandises produits du sol de l'Empire Ottoman importées en France par des bâtimens Ottomans seront traitées comme les produits similaires des pays les plus favorisés.

XVI. Il demeure entendu que le Gouvernement de Sa Majesté l'Empereur des Français ne prétend, par aucun des Articles du présent Traité, stipuler au delà du sens naturel et précis des termes employés, ni entraver, en aucune manière, le Gouvernement de Sa Majesté Impériale le Sultan dans l'exercice de ses droits d'administration intérieure, en tant, toutefois, que ces droits ne porteront pas une atteinte manifeste aux stipulations des anciens Traités et aux privilèges accordés par le présent Traité aux sujets Français et à leurs propriétés.

XVII. Le présent Traité sera valable pour 28 ans. Toutefois, chacune des Hautes Parties Contractantes se réserve la faculté de proposer au bout de la 14^{ème} et 21^{ème} année, les modifications que l'expérience aurait suggérées. Le présent Traité sera exécutoire dans toutes les provinces de l'Empire Ottoman, c'est-à-dire dans les possessions de Sa Majesté Impériale le Sultan situées en Europe et en Asie, en Egypte et dans les autres parties de l'Afrique appartenant à la Sublime Porte, en Serbie et dans les Principautés-Unies de Moldavie et de Valachie.

La Sublime Porte déclare ne point s'opposer à ce que les autres

Puissances étrangères cherchent à faire jouir leur commerce des stipulations contenues dans le présent Traité.

Les Hautes Parties Contractantes sont convenues de nommer conjointement des Commissaires pour établir le tarif des droits de Douane à percevoir conformément aux stipulations du présent Traité, tant sur les marchandises de toute espèce provenant du sol, de l'agriculture et de l'industrie de la France et de ses dépendances, et importées par les sujets Français dans les Etats de Sa Majesté Impériale le Sultan, que sur les articles de toute sorte produits du sol, de l'agriculture et de l'industrie de la Turquie que les commerçants Français et leurs agents achètent dans toutes les parties de l'Empire Ottoman pour les transporter, soit en France, soit en d'autres pays.

Le nouveau tarif établi restera en vigueur pendant 7 ans, à partir du 1er Octobre, 1861.

Chacune des Hautes Parties Contractantes aura droit, un an avant l'expiration de ce terme, d'en demander la révision. Mais si, à cette époque ; ni l'une ni l'autre n'use de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années, à dater du jour où la première période aura été accomplie, et il en sera de même à la fin de chaque période successive de 7 années.

XVIII. Le présent Traité sera ratifié, et les ratifications en seront échangées à Constantinople dans l'espace de deux mois, ou plus tôt, si faire se peut, et il sera mis à exécution à partir du 1er Octobre, 1861.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le 29ème jour du mois d'Avril, de l'an de grâce 1861.

(L.S.) LA VALETTE.

(L.S.) AALI.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent Décret.

Fait à Vichy, le 14 Juillet, 1861.

Par l'Empereur :

NAPOLEON.

*Le Ministre chargé de l'intérim du Ministère des
Affaires Etrangères BILLAULT.*

CORRESPONDENCE *between Great Britain and Sardinia, relative to the Prosecution by the Authorities in the Island of Elba, of a British Subject (Mr. G. G. Watson Taylor), for an alleged act of Sedition; and to the Plunder of the Island of Monte Christo, belonging to Mr. Taylor, by followers of General Garibaldi in the British steamer Orwell.*—1860, 1861.*

No. 1.—*Sir J. Hudson to Lord J. Russell.*—(Rec. August 30.)

MY LORD,

Turin, August 26, 1860.

MR. GEORGE WATSON TAYLOR, a British subject, is the sole proprietor of the island of Monte Cristo in the jurisdiction of Tuscany, and on the 18th ultimo he addressed a letter to me, of which I have the honour to inclose a copy, informing me that a prosecution for sedition had been laid against him by the Procurator of the Tribunal of the First Instance of Porto Ferrajo (Elba).

The ground for this charge appears to have been some expressions in favour of the Grand Duke of Tuscany on Mr. Taylor's birthday on the 28th of last April. The informers were the local guard, and the motive for informing the authorities of Elba appears to have been a dispute between Mr. Taylor and the guard which is sent from Elba for the protection of the place, and which for the most part consists of labourers, natives of Elba, who have been upon various occasions in Mr. Taylor's employment.

As soon as I understood the merits of the case, I instructed Mr. Fenton to speak, unofficially, to Baron Ricasoli, the Governor of Tuscany, upon the subject, and to express my hope that, upon a sufficient apology or explanation being made by Mr. Taylor, this affair might be allowed to drop.

Baron Ricasoli said it would have given him great pleasure to comply with my request; but as the affair was before the courts of law, he could not quash the indictment, and he referred the matter to Turin.

I therefore made an unofficial representation to the Foreign Office at Turin, but met with the same reply.

On the 23rd instant Mr. Taylor came to Turin, and, having gone over the case with him, I made a further direct and personal, though unofficial, representation of the matter to Count Cavour, who regretted that the prosecution had ever commenced, and, whilst he declared his inability to interfere with the proceedings of the law courts, added that he should not fail, if judgment were given against Mr. Taylor, to recommend His Sardinian Majesty to grant him a free pardon.

* Laid before Parliament 1862.

Upon communicating this opinion to Mr. Taylor, he declined to accept it as a compensation for the trouble and expense to which he had been put, and declared that he would make the matter public through the newspapers.

I endeavoured to explain to Mr. Taylor that I could not at this time carry my interference further; his case was before the courts of law, and I conceived that I should not be acting in conformity with my general instructions if I made an official remonstrance in his favour, which I knew could only end as had done the unofficial representations I had already made. I have, &c.

Lord J. Russell.

JAMES HUDSON.

(Inclosure.)—Mr. G. W. Taylor to Sir J. Hudson.

YOUR EXCELLENCY,

Monte Christo, July 18, 1860.

SINCE my letter of the 3rd July last, I have received the accusation from the authorities of Elba, of which I send your Excellency a copy. I should inform your Excellency that the island of Monte Christo is scarcely inhabited, the only persons on the island at the time the first part of the accusation was made being myself and wife, the 4 labourers named in the accusation, 5 soldiers, and the contadini B. Conci and F. Damini and their families. The two contadini and their families left on the 15th of May last, leaving only myself and wife, the 4 labourers, and 5 soldiers.

The first part of the accusation with regard to the 4 labourers is utterly false. The 29th of April is the anniversary of my birthday, and was celebrated on the evening of the 28th, by my 4 men, by sundry shots discharged in the air, and some cries of "Viva il padrone!" "Viva la padrona!" but no other cry was uttered. The two contadini did not participate, they not having conducted themselves well towards me, and being on the eve of quitting. This false accusation would seem to be made with the intention of invalidating the testimony of my 4 men, as it was feared they would tell the truth. This accusation there is no doubt, will be sustained by perjury on the part of the 5 soldiers and the two contadini, or perhaps by the two contadini alone, and it will require able cross-examination on the part of myself and the men to elicit the truth, but I firmly trust in the justice of my cause. The accusation against my wife is also utterly false, and the whole charge is an entire perversion of the truth, and would seem a plot to drive me from the island; and even the authorities would seem to participate, as they are perfectly well aware that on the 29th of April it was not known that Victor Emmanuel was proclaimed King on the island of Monte Cristo, and, therefore, the pretended offence was very slight, if any offence at all, nor have they given any intimation of the island being under the sovereignty of Sardinia.

I have also to call the attention of your Excellency to the circumstance, that the last part of the accusation states that the soldiers were without the absolute necessities of life. How is it that a Government leaves their men in such a desperate position, and dependent on the charity of a private individual? And your Excellency will likewise remark that the entire population of the island is summoned to Elba for the 4th of August, and the live stock and everything valuable to be consigned, according to the authorities, to 5 soldiers, who have no hesitation in perjuring themselves. I cannot, in consideration for my men, prevent them from appearing on the day fixed, and I must, therefore, replace them by others, which will put me to great expense, and which expenses ought, I think, in justice to be borne by the Government.

Your Excellency, after reading these details, will hardly be astonished at my earnest request that these soldiers should be withdrawn, and I most humbly pray your Excellency to give me some aid and advice in my present position. The Vice-Consul at Porto Ferrajo is an Italian, and I am afraid is not to be relied upon. The accusation has not been made out in my right name, being Taylor instead of Watson Taylor, and I have had no intimation of any change of Government, but I should rather stand upon my own innocence, though my case presents some difficulties, particularly when judged in Elba.

I have, &c.

Sir J. Hudson.

GEORGE WATSON TAYLOR.

No. 2.—Sir J. Hudson to Lord J. Russell.—(Rec. September 11.)
MY LORD, *Turin, September 6, 1860.*

I HAVE the honour to inclose to your Lordship herewith copy of a letter from Her Majesty's Vice-Consul in Elba, which has been forwarded to me by Her Majesty's Consul at Leghorn, on the subject of the landing of volunteers on the island of Monte Cristo, and the loss occasioned to Mr. Taylor by their misconduct.

I have, &c.

Lord J. Russell.

JAMES HUDSON.

(Inclosure.)—Vice-Consul Fossi to Consul Macbean.
SIR, *Porto Ferrajo, August 28, 1860, 12 noon.*

I HAVE this moment received a letter addressed to me from Monte Cristo by Mr. R. W. Weiss, a British subject, who confirms the report of the landing which has taken place on that island and the violence and robbery committed to the prejudice of Mr. Taylor.

The said Mr. Weiss, who formed part of the expedition which touched there, has remained on the island, having hidden himself when the disembarked men put to sea again; and he tells me that

He would not continue with them, in order not to be mixed up with the persons who had committed such abominable actions.

He also was robbed of his effects, and he is now detained by the Chief of the military post at Monte Cristo in order to give evidence of what occurred to the fitting authorities.

I immediately applied to the local authorities for the measures to be taken towards obtaining justice, and I shall not fail to exert myself for the protection of Mr. Weiss.

Meanwhile, in concert with the General in command of the island of Elba, I address you the most earnest solicitations that you will obtain from the Central Government of Florence the despatch of a steamer which has already been applied for, giving notice that the vessel should touch first at Porto Ferrajo, it being the intention of the aforesaid General, as well as mine, to repair to the island of Monte Cristo.

Being ignorant of the present residence of Mr. Watson Taylor, I beg you to take the trouble to inform him of the damage committed on his property.

To-morrow I will give you more circumstantial details, the post for Piombino being now about to leave.

I have, &c.

A. Macbean Esq.

EUGENIO FOSSI.

No. 3.—Sir J. Hudson to Lord J. Russell.—(Rec. September 14.)

MY LORD,

Turin, September 11, 1860.

I HAVE the honour to inclose, for your Lordship's information, copy and translation of a despatch from Her Majesty's Vice-Consul at Elba, addressed to Consul Macbean, detailing occurrences on the occasion of the landing of volunteers on the island of Monte Cristo from the British steamer *Orwell*, of London.

I have, &c.

Lord J. Russell.

JAMES HUDSON.

(Inclosure.)—Vice-Consul Fossi to Consul Macbean.

SIR,

(Translation.)

Porto Ferrajo, September 4, 1860.

ON the morning of the 1st instant Mr. W. Willoughby Weiss arrived here from Monte Cristo, at my request, in a sailing-boat sent from military head-quarters here for the purpose of relieving the guard from that island.

Having ascertained the nationality of Mr. Weiss from a regular passport given to him in London on the 18th June, 1860, I obtained from him the chief facts relating to the descent which took place on the island of Monte Cristo, and the lawless acts there committed.

On the evening of the 22nd August last the British steamer

Orwell reported to be commanded by Captain Salter, left Genoa for Messina, having on board Mr. Weiss and other passengers.

The *Orwell* touched at Leghorn on the morning of the 23rd, where she landed two passengers, and then continued her course.

After landing the above-mentioned two persons the command of the ship was taken by a certain Settembrini, who wore the uniform of the British Navy.

At sunset the same day, the 23rd, the *Orwell* was off the island of Pianosa, and at about 2 o'clock after dark she anchored off Monte Cristo.

Some time afterwards a boat was launched, containing several of the crew, and after making for land as if in search of something, it returned about daybreak.

Mr. Weiss thought that at this time the boat conveyed arms on board the steamer.

On the morning of the 24th, by order of the captain, the passengers, about 25 in number, were assembled forward and shortly afterwards the whole crew, about 50 in number, and for the most part English, who appeared in red shirts, were inspected, and being drawn up two deep, muskets and cutlasses were given out to them.

After this muster, which caused surprise and some suspicions to the passengers, Captain Settembrini landed on the island of Monte Cristo with his followers and some passengers.

The former went inland as if for the purpose of visiting the island, and having asked the commander of the guard to whom the neighbouring house belonged, received as answer that it belonged to an English gentleman, who had been some few days absent.

That day there was no attack made on the property of Mr. Taylor, as after about 3 hours spent on shore all the visitants of the island returned on board the steamer.

In the night of the 24th-25th of August a boat was again sent on shore with two officers and several of the crew: after some time they returned with some guns, and it was to be presumed from that circumstance that the military guard of the island, consisting of a corporal and four soldiers, had been disarmed; the boat then returned to shore, and brought back with it to the ship some objects of furniture.

The following morning (25th August) there was a general landing on the island, and it was then that Mr. Weiss had an opportunity of seeing that Mr. Taylor's house had evidently been opened and plundered. Nor did their depredations stop there; the domestic animals on Mr. Taylor's property were killed and carried off, the vines ruined, and many orange and lemon trees torn up and carried off.

As the military guard had been disarmed, it was powerless to prevent the perpetration of these acts of real piracy.

Mr. Weiss, who had been robbed the previous night of his carpet bag, was so horrified at the sight of these violations of the rights of property, that he determined on remaining; the more so as, from some conversation he had heard, he had reason to apprehend that some dangerous enterprise was meditated; and having gone ashore, he managed to keep himself apart, in order to avoid insults, and on the departure of the steamer, which took place at 5 P.M. of the 25th, he presented himself to the head of the military guard, and remained there until his departure for Elba.

Meanwhile the usual authorities are making an investigation, and I shall wait the result of their inquiries to give you information.

I have, &c.

A. Macbean, Esq.

EUGENIO FOSSI.

No. 4.—Sir J. Hudson to Lord J. Russell.—(Received October 8.)
MY LORD, *Turin, October 2, 1860.*

I HAVE the honour to transmit herewith the copy (with inclosures) of a Report of Her Majesty's Consul at Leghorn, on the trial of Mr. and Mrs. George Watson Taylor of the island of Monte Cristo, for alleged "seditious manifestations."

Your Lordship will perceive that the accused have allowed judgment to go by default, and that Mr. Taylor has been condemned to 12 months', and Mrs. Taylor to 21 months' imprisonment.

I have, &c.

Lord J. Russell.

JAMES HUDSON.

(Inclosure 1.)—Consul Macbean to Sir J. Hudson.

SIR, *Leghorn, September 27, 1860.*

REFERRING to my despatch of the 24th instant, I have now the honour to transmit herewith inclosed, a copy and translation of the Report addressed to me by Mr. Vice-Consul Fossi, in reference to the trial of Mr. and Mrs. George Watson Taylor, and to its result.

I also beg leave to inclose, for your information, a copy and translation of a public instrument drawn by a Royal Notary, which embodies the evidence given before him on the 3rd instant, prior to their departure for Elba, by 4 labourers formerly in Mr. Taylor's service, with reference to the seditious proceedings which formed the subject of the accusations against them and Mr. and Mrs. Taylor.

The punishments assigned by the sentence of the Court of Porto Ferrajo to Mr. and Mrs. Taylor are certainly in accordance with the provisions of the Tuscan Criminal Code, for offences such as those of which they were declared guilty; but if Mr. and

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Mrs. Taylor acted injudiciously, I believe also that a great deal of annoyance and provocation were offered, and that Mr. Taylor is able to prove that the Corporal, upon whose accusation the prosecution was instituted, acted some years ago and received wages as a labourer in his service, and that he was removed for misconduct from Monte Cristo by the then Government, on a complaint from Mr. Taylor.

The soldiers would gladly have been employed as labourers, as they used to be during the early part of Mr. Taylor's residence on the island, but the Government forbade their being so employed, and Mr. Taylor's rejection of their services did not tend to increase his popularity with them.

Mr. Taylor was in treaty with the Advocate Luigi Giera, of Leghorn, to go over to Elba, as his and Mrs. Taylor's counsel at the trial, and I understand that M. Giera thought very favourably of the case, and would gladly have undertaken it; but Mr. Taylor wrote to me from Turin, that as he could not well afford to pay so large a fee as that demanded by Mr. Giera, he had determined, after the result of the applications made by you on his behalf to the Piedmontese Government, to avoid the *éclat* of a public trial, and allow judgment to go by default.

I have, &c.

Sir J. Hudson.

A. MACBEAN.

(Inclosure 2.)—*Vice-Consul Fossi to Consul Macbean.*

SIR, (Translation.) *Porto Ferrajo, September 24, 1860.*

THE proceedings against Mr. and Mrs. G. Watson Taylor, and their dependents Benedetto Conte, Enrico Brandeschi, Natale Giovannoli, and Giovanni Casci, of Barga, in Tuscany, were commenced in consequence of two Reports transmitted by the corporal in command of the military guard stationed on the Island of Monte Cristo, the first under date of 11th May last, and the other under date 6th June last, both of which were handed over by the Military Commandant of this island to the civil authority.

As, according to the Penal Code now in force, the facts reported to the prejudice of Mr. Taylor and his dependents bore the character of crimes, the Procureur Royal of the Tribunal of First Instance in this city having obtained the authorization of the Governor-General of Tuscany in respect of the crime of offensive language against the person of His Majesty the King Victor Emmanuel, which Mrs. Victoria Taylor is specially accused of having done on the 30th June last, commenced a criminal action, with the respective requisitorial, against all the accused parties for seditious manifestations:—against Mr. George Taylor for resistance to the public force; against Mrs. Victoria Taylor for offensive language respecting the sacred person of His Majesty King Victor Emmanuel; and,

finally, against Mr. and Mrs. Taylor for having instigated the others to seditious manifestations.

Under this comprehensive accusation, the aforementioned individuals were summoned to public trial, which took place on the morning of the 5th September current, and at which trial Mr. G. Taylor's four dependents alone appeared, defended by Dr. Emilio Grandolfi, whom the Tribunal, *ex officio*, had assigned to them as Counsel.

In my official capacity as Vice-Consul, I deemed it my duty to attend the trial in the said court.

The witnesses for the prosecution examined at the trial were eight in number, of whom 6 were soldiers belonging to the battalion Insular Coast Guard, who constituted, at the time of the facts alleged, the military guard on the Island of Monte Cristo, and two peasants who resided on the island at the time in question as tenants of Mr. Taylor.

It appears by reference to the text of the sentence of the 5th September aforesaid, that from the *ensemble* of the depositions of these witnesses, the Court held the following facts as proven :—

That on the evening of the 28th April, 1860, between the hours of 9 and 11 o'clock, several musket-shots were fired on the Island of Monte Cristo, in the neighbourhood of Mr. Taylor's residence, accompanied by repeated cries and cheering, the meaning of which could not be understood by the deposing witnesses, while, however, the accused who were present maintained that on that evening they were celebrating the birthday of their master, Mr. Taylor ;

That on the morning of the 1st May following, in consequence of Mrs. Taylor's having refused to give B. Conci, goatherd and peasant in her service, permission to bake his bread in the usual oven, a dispute occurred, in which Mr. G. Taylor also took part ;

That the corporal of the guard having come up with 8 soldiers to prevent disturbance, while exerting himself to persuade Mr. Taylor to concede the permission which had been asked, in order that Conci's family might bake their bread, and break their fast, both Mr. and Mrs. Taylor declared that they did not recognize the Government under which the said soldiers served, and that they would not yield obedience except to the soldiers of Leopold II ;

That Mrs. Victoria Taylor then added that King Victor Emmanuel was a bullock-merchant, and made unseemly gestures with her hands, and noises with her mouth, saying " Per Vittoria Emanuele ; "

That while the corporal was intimating to Mr. Taylor to desist from such conduct, the latter struck him on the breast with his hands, but without doing him any injury ;

That early in June last, the arrival of the mail-boat having been delayed on account of the weather, the men composing the military guard at Monte Cristo being quite without provisions, went to Mr. Taylor's house to ask the favour of some bread, which they would have paid for, but Mr. and Mrs. Taylor returned a positive refusal, and told them that had they served and recognized Leopold II they would have readily given them that subsistence they required, but as to the servants of Victor Emmanuel, they would not give them the smallest thing.

Taking these facts into consideration, the Tribunal declared not proven the seditious manifestations of which Benedetto Conti, Enrico Brandeschi, Natale Giovannoli, and Giovanni Casci are accused, and accordingly acquits them.

Declared, however, the repeated seditious manifestations of which Mr. and Mrs Taylor are accused, to be proven; as also to be proven the resistance to the public force on the part of Mr. G. Taylor, and the insult to the sacred person of the King on the part of Mrs. Victoria Taylor.

Thereupon, in application of Articles CIX, CXXIX and CXLIV, § 1, of the Tuscan Penal Code, it condemned Mr. G. Taylor to the penalty of one year's imprisonment, 6 months of which for the crime of seditious manifestations, and 6 months for the other offence of resisting the public force; and Mrs. Victoria Taylor to 21 months' imprisonment, of which 6 months as guilty of prolonged seditious manifestations, and 15 months for the crime of insulting His Majesty King Victor Emmanuel.

I will take the liberty, however, to remark that had Mr. and Mrs. Taylor defended themselves, instead of allowing judgment to go by default, the result of the trial would not have been so unfortunate. However, there remains to them two remedies, viz., that of opposing the sentence given by default, and an appeal to the Court of Cassation.

A. Macbean, Esq.

D. EUGENIO FOSSI.

(Inclosure 3.)—Evidence of four Tuscan Labourers, formerly in the Service of Mr. G. W. Taylor, respecting certain Occurrences at the Island of Monte Cristo.
(Translation.)

In the name of God, Amen.

THE year of our Lord 1860, of the Roman Indiction the 3rd; His Holiness Pius IX being seated in the Vatican, and His Majesty Victor Emmanuel reigning.

Before me, Doctor Giuseppe de Angiolo Salvestri, Royal Notary,

residing at Leghorn, and in the presence of the undersigned witnesses, well known, and possessing the requisites required by law, personally appeared: Natale di Giuseppe Giovannoli, Enrico Brandeschi, foundling, Benedetto Conti, foundling, Giovanni di Nicolao Casci, all labourers domiciled at Barga, but presently in Leghorn, and to me, Notary, and witnesses well known.

And be it made known by the present public instrument that the aforementioned, having been requested by Doctor Remigio Pardossi, Solicitor, domiciled in this city, on behalf of his clients, Mr. George Watson Taylor and Victoria his wife, proprietors of the Island of Monte Cristo, to declare the truth in regard to matters laid to the charge of said Mr. and Mrs. Taylor, for which they have been summoned to public trial before the Tribunal of First Instance at Porto Ferrajo (criminal side) on the morning of the 5th September instant, have unanimously declared and deposed on oath, administered to them by me, Notary, and by the aforesaid individuals separately taken, *tactis Scripturis*, as follows:

That they were on the Island of Monte Cristo, in the service of the said Mr. and Mrs. Taylor, from the 4th March of this year to the 15th August last.

That during that interval the following facts occurred:

On the 28th April, being the eve of Mr. Taylor's birthday, they, the deponents, wished to celebrate that anniversary by discharges of fowling-pieces, and on the following day, after dinner, they repeated the firing, with the same object.

On the 1st May, the wife of a goatherd residing on the island came to Mrs. Taylor and asked for the key of the oven, and Mrs. Taylor, finding fault with her because she had not finished the washing, told her that when she had finished her work she would give her the key. The woman then began to declaim loudly against Mrs. Taylor, who retired into her apartments.

At the loud cries of the woman, her husband and brother came down from the hill, and on their way down they uttered threats towards Mr. and Mrs. Taylor, saying that they would revenge themselves on those infamous gentlefolk.

On their reaching the plain they were joined by the soldiers composing the guard, and, soon after, Mr. Taylor arrived, and inquired the cause of that noise.

Then the corporal of the guard, with a loud voice and overbearing manner, ordered Mr. Taylor to give the key of the oven to the goatherd's wife.

To this injunction Mr. Taylor replied by inquiring, "By what authority do you order me? Whom do you serve?" And the corporal replied, "I serve Victor Emmanuel." To which Mr. Taylor

replied, "What are the proofs that this King rules in Tuscany?" The corporal, at this, was silent.

At the same time the goatherd Bartolommeo Conci, turning to Mrs. Taylor with a provoking manner, asked her, "Is it not true, lady, that one Victor Emmanuel is a bullock-dealer?" And she replied, "If you are mad I am not." After which Mr. and Mrs. Taylor gave the key of the oven, and the parley terminated.

The aforesaid individuals, with the exception of Giovanni Casci, who was not present at the occurrence, deposed :

That, towards the end of June, the soldiers of the guard who relieved those of whom mention is made above, went to ask Mr. Taylor to furnish them with bread and other articles, alleging that they had used up their supplies; and that Mr. Taylor replied, that there would be no difficulty if they proved that really, as they asserted, the King of Piedmont ruled also in Tuscany; which, however, added Mr. Taylor, "I have reason to disbelieve, because the authorities on the mainland would not pay me the amount of the vouchers for provisions given to the soldiers on the island, who likewise asserted that they were in the service of the King Victor Emmanuel."

Upon this declaration, the soldiers, without giving any proof, went for their arms, and came back to insist; they afterwards retired, and went to dig up potatoes belonging to said Mr. Taylor.

They further deposed that, in the month of March last, a certain Duranti, corporal of the guard, took it upon himself, notwithstanding the remonstrances of Mr. Taylor, to admit to free pratique two vessels arriving from Naples, in contravention to the existing sanitary laws.

And finally, the aforesaid deponents, with the exception of Enrico Brandeschi, declared that, on the 30th July last, the soldiers of the guard then on the island made free to shoot a goat belonging to Mr. Taylor, and, in the evening, conveyed it to their dwelling in a sack.

The present public instrument, made and subscribed at Leghorn, the day, month, and year above mentioned, in Via della Darsena, in a ground-floor store belonging to M. Giuseppe Ferrigni, in the contextual presence of Pasquale, son of the late Cammillo Innocenti, storekeeper, and Giuseppe son of the late Giovanni Giacomo Nascio, royal pensioner, domiciled in Leghorn, as witnesses; one of whom, M. Giuseppe Nascio, signed the present public instrument, and contextually the Notarial Index, along with Natale Giovannoli and me, the undersigned Notary; Enrico Brandeschi, Benedetto Conti, and Giovanni Casci, and the witness Pasquale Innocenti, not having signed, but who declared separately on oath administered by me,

Notary, *tactis Scripturis*, that they can neither write nor sign, all of which took place after reading out of this instrument by me, Notary, for the clear understanding thereof by all.

NATALE GIOVANNOLI.

GIUSEPPE NASCIO, *Witness*.

DR. GIUSEPPE DI ANGIOLO SALVESTRI,
Royal Notary, Residing in Leghorn.

Registered at Leghorn, the 10th September, 1860. Vol. 93,
pub. p. 130, casl. 8.

Received 1 livre and 68 cents. (1*l.* 6*s.* 8*d.*)

R. GHIVIZZANI, *Ag.*

No. 6.—Statement by Mr. G. W. Taylor.

November 15, 1860.

IN the year 1852 I purchased the island of Monte Cristo. This island lies between Corsica and the mainland of Italy, 24 miles to the south of the island of Elba. It belongs to Tuscany, and is considered as a dependency of the island of Elba. It is about 9 miles in circumference.

I purchased the island from M. Abrial, a Frenchman, who was the owner in fee-simple, for the sum of 2,000*l.* sterling. The beauty of the island, the fertility of its soil, and the remarkably healthy climate, coupled with the circumstances of the liberality of the Tuscan laws with regard to foreigners, induced me to lay out the large sum of about 12,000*l.* sterling in building a residence, and planting and improving the island.

Before my purchase a single corporal of the Sanità, or Board of Health, had been placed on the island by the Government; but considering this an insufficient protection, I applied in the spring of 1853 to Signor Landucci, at that time Minister for the Interior, for permission to arm a certain proportion of my labourers, of whom I had then a considerable number, for the protection of my property. This was at first granted, but afterwards, when I was on the point of putting it into execution, the permission was withdrawn.

In the month of July 1854, a guard of a corporal and four soldiers was sent by the Government for the protection of the island, which guard was continued up to the 1st of September last. During this period about four labourers have, with myself and my wife and servants, constituted the sole population of the island, in addition to the guard.

At first the soldiers were employed and paid by me as labourers, but latterly, as I was informed that this was against the military regulations, I discontinued to employ them, and this occasioned much ill-will towards me on the part of the soldiers. The service

on the island was unpopular with the soldiers on account of the separation from their families which it entailed. The officers of the corps were aware of this feeling, and were in the habit of sending soldiers to Monte Cristo as a punishment, leaving them there for many months without relieving them.

Upon the establishment of the Provisional Government of Tuscany, the soldiers became not only extremely insolent, but aided some fishermen from the mainland in pilfering and committing depredations contrary to the express orders which they had received from the former Government for the protection of my property. A complaint which I made on this subject to the Commander-in-chief, in a letter which was forwarded to him through Mr. Macbean, Her Majesty's Consul at Leghorn, received no answer.

In November and December 1859, a corporal named Ricci was on duty at Monte Cristo. This man insulted Mrs. Taylor and myself in the grossest manner, and he also refused to pay for bread with which I had furnished him at his request, and threatened me with his drawn sword in his hand to take more by force. I applied for redress to the British Legation at Florence. The Tuscan Government ordered the corporal to be put on his trial, but the garrison major being a relation of the corporal, no witness was examined on my behalf, and the corporal was accordingly acquitted.

Independently of the conduct of the soldiers, I may mention that the authorities of Elba seemed little disposed to administer justice to me, for in the case of an unjust claim brought against me by a servant, the Delegate of Porto Ferrajo ordered me to pay her without any form of trial, and it was only through the intercession of the British Vice-Consul that this arbitrary judgment was not carried into execution.

In the month of March a corporal named Durante was sent to Monte Cristo, and it was on his charge that I was brought to trial under the circumstances detailed in the accompanying paper (Inclosure 1). This corporal had been stationed on the island in 1852 and 1858, and having been employed by me had made a considerable sum, but his conduct displeasing me, at my request he was removed by the Government from the island, and he had not before returned there.

The depositions of my four labourers, which accompany this statement (Inclosure 2), will inform your Lordship of the really frivolous nature of the accusations brought against me, and will show the little regard paid by the soldiers on the island to the laws of their country, or to private property.

At the time of the accusation being preferred against me, these four labourers constituted, with myself and Mrs. Taylor, the entire population of the island, in addition to the guard.

At the time my wife and myself were accused of having spoken against His Majesty the King of Sardinia, it was not known even to the soldiers that he had been proclaimed Sovereign in Tuscany.

The laws by which I was tried and condemned were established by the very despotic Power which the King of Sardinia had overthrown. These laws, though severe, were always mitigated by the clemency of the reigning Prince; but the Sardinian Government, although allowing that the accusations were frivolous in the extreme, refused to comply with the solicitations of the British Minister, Sir James Hudson, 8 times renewed. Was it not natural that I should hesitate to defend myself in a trial against the prosecution of a Government so evidently hostile, and when all the population of the island, with the exception of my accuser, had been designedly implicated with me, to deprive me of their testimony in my favour?

I claim the powerful assistance of Her Majesty's Government, not only to set aside this iniquitous sentence, but also to obtain some guarantee from the Sardinian Government that I shall have the protection of the laws of Tuscany, and not be exposed to a repetition of conduct such as I have experienced at the hands of the corporals in the command of the guard on the island.

I claim also to be indemnified for the severe losses which I have sustained at the hands of the Sardinian volunteers, under the following circumstances; the fruits of all the capital I have laid out on the island having been swept away, just at the time when I was about to receive some return from them. The detail is taken from a letter of Mr. Macbean's, dated September 28, 1860, as follows:

"I will give you as briefly as possible the history of that expedition. An English steamer, the *Orwell*, of London, belonging to the Mayor of Hull, was sent out to the Mediterranean, in the hope of meeting a purchaser. On her arrival at Genoa, it was suggested that she might suit General Garibaldi, and accordingly she was advertised to take passengers for Palermo and Messina. Some 40 or 50 passengers engaged passage, and on the evening of departure, when steam was being got up, the captain was induced to return on shore for some papers which had been left behind, and without which he was told that a sale could not be effected. In his absence the passengers arrived, and some parties tied up the engineer, and took possession of the vessel, putting to sea. Next morning the *Orwell* appeared off Leghorn, landed two passengers, or rather transhipped them into a fishing boat, and continued her course for Monte Cristo, where she anchored that night, and remained some 40 hours. The passengers and crew landed several times on the island, and finding that your brother's house was unoccupied, took possession of it. I saw one of the passengers, Mr. Weiss, who,

alarmed at the proceedings of those with whom he found himself associated, contrived to hide himself, and remain behind when the others re-embarked. He told me that the island was regularly sacked; that some furniture was conveyed away in the *Orwell*; that the doors of the house were forced, and some of the locks carried away; that a young bull and the cow were slaughtered and taken on board, as also some goats, with rabbits, poultry, &c.; vines and plants uprooted, &c. The *Orwell* then proceeded to Giglio, but the presence of a Sardinian ship of war prevented a repetition there of what took place at Monte Cristo. On entering the Sicilian waters, the *Orwell* was captured by Her Majesty's ship *Seylla*, and I understand that some of the passengers have been sent to Malta to be tried for piracy."

I think I have a strong claim on the local Government, as few foreigners have done more for Italy, according to their means, than I have done. The prosperous circumstances of numerous families owe their origin to my liberality at a time when the poor of Tuscany were suffering great privations. And far from desiring, in any way, to oppose the Sardinian Government, I some time before these accusations were brought against me, foreseeing from the conduct of the soldiers that difficulties might arise, offered the island to the Sardinian Government for the sum of £7,500.

I may add that when I received the summons to take my trial, I wrote to Sir James Hudson asking his advice, and stated that, confident in my own innocence, I was willing to stand my trial, although the fact of my witnesses being accused as well as myself would render it the more difficult for me to defend myself, but I did not receive any answer to my letter. Sir James appears to have thought it well to apply to the Government to quash the proceedings rather by way of favour, but this not in consequence of any suggestion of mine, and met with no success.

I applied also to the Vice-Consul Fossi at Porto Ferrajo to interfere on my behalf, but he refused to do so in his character of Consul; but in a letter which he caused to be written to me by a Lieutenant of the Coast-guard, he informed me that if I would guarantee all his expenses he would defend me as my legal adviser.

When I arrived at Leghorn, on the 15th of August, I was fully determined to defend myself at the trial, and took all the measures necessary for this purpose, but a conversation which I had with Mr. Macbean, the Consul, caused me to hesitate whether or not I should do so. On my proposing to him that I should go to Turin, as I had not received any answer from Sir James Hudson, he strongly advised my doing so, and said that I ought to do everything in my power to get the proceedings quashed rather than expose myself and Mrs. Taylor to be dragged before the petty.

Tribunal of Porto Ferrajo. I took his advice, although it appears that by so doing I injured my own cause, and by asking a favour from the Sardinian Government, I made it, in a measure, more difficult to claim reparation for the insults to which I had been exposed.

When Sir James Hudson had, for the third time, been refused by the Government any interference with the proceedings, I asked his advice as to whether I should leave Sardinia, and he advised my doing so, and gave me a passport for England.

GEORGE WATSON TAYLOR.

(*Inclosure 1.*)—*Vice-Consul Bossi to Consul Macbean, September 24, 1860.* [See Page 754.]

(*Inclosure 2.*)—*Evidence of four Tuscan Labourers, formerly in the Service of Mr. G. W. Taylor, respecting certain Occurrences at the Island of Monte Cristo.* [See Page 756.]

No. 8.—*Sir J. Hudson to Lord J. Russell.*—(*Received January 11.*)
 MY LORD, *Turin, January 7, 1861.*

WITH reference to your Lordship's despatch of the 23rd November, upon the subject of an action brought by the Public Prosecutor against Mr. and Mrs. Taylor, of the Island of Monte Cristo, upon which occasion they were condemned to costs, I have the honour to inclose herewith copy of a letter which has been addressed to me by the Keeper of the Seals, informing me that His Sardinian Majesty has been graciously pleased to grant to Mr. and Mrs. Taylor a free pardon.

I have, &c.

Lord J. Russell.

JAMES HUDSON.

(*Inclosure.*)—*Signor Cassinis to Sir J. Hudson.*

(Translation.) *Turin, January 6, 1861.*

THE Keeper of the Seals hastens to announce to the Minister Plenipotentiary, Commander Hudson, that by a Decree dated this day, His Majesty has deigned to remit to the persons named George and Victoria Taylor the penalty to which they have been condemned by sentence of the Tribunal of First Instance of Porto Ferrajo of the 15th of September, 1860. The Undersigned, &c.

Sir J. Hudson.

J. B. CASSINIS.

No. 10.—*Mr. S. W. Taylor to Lord J. Russell.*—(*Rec. January 22.*)
 MY LORD, *41, Grosvenor Square, London, January 19, 1861.*

I HAVE the honour to acknowledge the receipt of the communication from your Lordship of the 14th instant, forwarded to me by Mr. Hammond, informing me that His Sardinian Majesty has "been

graciously pleased to grant a free pardon to Mr. and Mrs. Watson Taylor of the Island of Monte Cristo, in respect of the legal proceedings taken against them by the Sardinian authorities."

This action of the Sardinian Government, considered as a reversal of the judgment against my brother, Mr. George G. Watson Taylor, and his wife, is so far satisfactory; but I trust that your Lordship will allow me to call your attention to the fact that it leaves untouched important circumstances alluded to in the memorial which my brother had the honour to hand to your Lordship at the interview to which you were good enough to admit my brother and myself on the 15th November last.

In that memorial it is stated that my brother having been possessor of the Island of Monte Cristo for 9 years past, invested large sums of money there, and had not only enjoyed entire immunity from all annoyance, but had experienced great favour and protection till within the last few months, when the conduct of the authorities of Elba having wholly changed, his continued residence on the island has been rendered impossible; and further, that since his departure the house and premises which he had built and the cultivation which he had effected on the island have been plundered, and in a great measure destroyed, by partizans of the Government of His Majesty the King of Sardinia. This, too, has occurred at a period when, under ordinary circumstances, and with the fair treatment which he had every reason to expect, a return would have begun to accrue to my brother as the fruits of the labour and money expended during the 9 best years of his life.

My brother, whilst submitting these facts to your Lordship, not only claimed the assistance of Her Majesty's Government to set aside the unjust sentence given against him at Porto Ferrajo, but he also claimed the same powerful aid in obtaining a guarantee from the Sardinian Government against his exposure to a repetition of the insults and injuries to which he has been subjected on his island, and reparation for the destruction of his property.

In thanking your Lordship, as I do most sincerely, for the reception which you so kindly gave me on the 15th November last, and for your late communication, I must humbly submit that further intervention in my brother's case is requisite; and that instances are not wanting, even in the near neighbourhood of his island, as at the last occupation of Leghorn by the Austrians, when British subjects not so severely injured either in person or property as he has been, have had their rights and privileges enforced, and ample compensation made to them, at the instance of Her Majesty's Government.

I have, &c.

Lord J. Russell.

S. WATSON TAYLOR.

No. 11.—Lord J. Russell to Sir J. Hudson.

SIR,

Foreign Office, January 30, 1861.

I HAVE received your despatch of the 7th instant, reporting that the Sardinian Government had granted a free pardon to Mr. and Mrs. Watson Taylor, of the Island of Monte Cristo, in respect of the legal proceedings taken against them by certain Sardinian authorities.

Her Majesty's Government, relying on the sense of justice which characterizes the Sardinian Government, could have anticipated no other result. But they trust that the Sardinian Government will not stop here. Mr. Watson Taylor and his wife are, indeed, exonerated from the penal consequences to which, by a false accusation and an unjust judgment, they had become liable; but they had previously suffered, and have since been exposed to very serious pecuniary loss arising out of the harsh and unjustifiable proceedings taken against them.

The property of Monte Cristo had been lawfully acquired by Mr. Watson Taylor; but he was violently ousted from it, and his goods wantonly wasted, without any sufficient cause. The Sardinian Government have expressed no regret, and have offered no compensation, and yet both were due to this British subject for the grievous indignity to which he was personally subjected, and for the wantonness by which his property, when he was himself prevented from further taking care of it, was pillaged or destroyed.

I have, therefore, to instruct you to bring the case formally before the Sardinian Government, and to express the confident hope of Her Majesty's Government that indemnity will be granted to Mr. Watson Taylor for the losses which he sustained by the acts of Sardinian authorities, and that a due expression of regret for what has occurred will accompany the tender of amends.

Her Majesty's Government think it unnecessary to require any assurance from the Sardinian Government that Mr. Watson Taylor and his family will henceforth not be wantonly disturbed in the quiet possession of his property, in common with all landed proprietors in the territories formerly under the rule of the Grand Duke of Tuscany. Mr. Watson Taylor is entitled, as a British subject, to be allowed the free occupation and enjoyment of property which he has lawfully acquired by purchase; but Her Majesty's Government are satisfied that if the Sardinian Government, after what has occurred, entertain any apprehension lest Mr. Watson Taylor may be annoyed and disquieted in the occupation of his property, they will take such measures as may be within their competency for his future security and freedom from molestation.

I am &c.

Sir J. Hudson.

J. RUSSELL.

No. 13.—*Sir J. Hudson to Lord J. Russell.*—(Rec. February 23.)
 MY LORD, *Turin, February 19, 1861.*

IN accordance with the instructions contained in your Lordship's despatch of the 30th January last, I addressed a note to Count Cavour, in which I formally brought before the Sardinian Government the grievances of which Mr. Watson Taylor complains. Of this note I have the honour herewith to transmit a copy to your Lordship, and I likewise inclose a copy of the answer thereto which I have received from Count Cavour. I have, &c.

Lord J. Russell.

JAMES HUDSON.

(*Inclosure 1.*)—*Sir J. Hudson to Count Cavour.*

SIR, *Turin, February 2, 1861.*

WITH reference to the communication from the Keeper of the Seals, under date of 6th of January last, informing me that a free pardon had been granted to Mr. and Mrs. Watson Taylor, of the Island of Monte Cristo, in respect of certain legal proceedings taken against them by the Sardinian authorities, I am instructed by Her Majesty's Government to express their confident hope that the Sardinian Government will grant indemnity to Mr. Taylor for the losses which, in consequence, he has sustained. The property of Monte Cristo had been lawfully acquired by Mr. Watson Taylor, and he was violently driven from it, and his goods wantonly wasted without any sufficient cause, and the property pillaged and destroyed at a time when he was prevented from further taking care of it. Her Majesty's Government, therefore, deem that Mr. Taylor is entitled to an expression of regret on the part of the Sardinian Government for these occurrences, and for the indignity to which he was personally subjected, as well as to compensation for his pecuniary losses. In bringing this case again before your Excellency, I have the honour further to state that Her Majesty's Government hope that henceforth Mr. Taylor and his family will not be wantonly disturbed in the quiet possession of his property, which, in common with all landed proprietors in the territories of the late Grand Ducal Government, he, as a British subject, is lawfully entitled to occupy and to enjoy.

I avail, &c.

Count Cavour.

JAMES HUDSON.

(*Inclosure 2.*)—*Count Cavour to Sir J. Hudson.*

M. LE MINISTRE, *Turin, le 10 Février, 1861.*

J'AI reçu la lettre que vous m'avez fait l'honneur de m'adresser le 2 de ce mois, et par laquelle vous demandez qu'on exprime des regrets et qu'on accorde une indemnité à Mr. Watson Taylor, propriétaire de l'Île de Monte Cristo, pour des désagréments personnels et des dommages qu'il aurait subis.

J'apprécie hautement l'intérêt dont un sujet de Sa Majesté Britannique est l'objet de la part de son Gouvernement. Mais je dois l'avouer, à l'état des choses, la communication que vous venez de me faire m'a causé quelque surprise, et j'ai de la peine à m'expliquer les motifs qui ont pu la déterminer.

Je n'avais aucune connaissance des démêlés de Mr. Taylor avec la justice, ni des circonstances qui les avaient amenés. J'en ai entendu parler la première fois lorsque vous avez bien voulu vous interposer officieusement afin qu'on lui fît remise de la peine qu'il aurait encourue. Il ne s'agissait nullement de dommages à réparer, d'indemnité à donner. Une procédure était ouverte devant les tribunaux ; on ne pouvait pas la suspendre. La grace ne pouvait être accordée selon nos lois qu'après que la justice aurait rendu son arrêt. Une condamnation a été prononcée et cette même condamnation prouve que, par sa conduite inqualifiable, Mr. Taylor s'était mis en opposition avec nos lois. Par déférence toutefois pour les bons offices du Gouvernement de la Reine, l'arrêt du Tribunal était à peine émané que le Roi s'empressait de faire à Mr. Taylor remise entière de la peine pécuniaire à laquelle il avait été condamné. Ainsi les désirs que vous m'aviez exprimés étaient accueillis. Il n'y a eu postérieurement aucune plainte, aucun acte, de Mr. Taylor. Rien n'est survenu qui puisse à mon avis former le sujet de démarches de Gouvernement à Gouvernement.

J'ignore si Mr. Taylor a souffert des dommages qu'il n'ait pas lui-même provoqués, et qui ne soient la conséquence des faits que le Tribunal a constatés à sa charge. Mais en toute hypothèse, s'il a des réclamations légitimes à formuler, une intervention diplomatique ne saurait avoir lieu, ce me semble, que lorsque toute justice lui aurait été refusée par l'autorité compétente. Or, la voie des Tribunaux lui est ouverte, et si lorsqu'il le méritait il a été condamné, Mr. Taylor peut être également sûr que les droits qu'il pourrait avoir ne seront pas méconnus.

Je regrette sincèrement devoir répondre par des observations à une demande du Gouvernement Britannique ; mais je connais trop les sentiments de justice dont il est animé, je connais trop votre impartialité, M. le Ministre, pour ne pas avoir la confiance que ces observations seront loyalement appréciées. Veuillez, &c.

Sir J. Hudson.

C. CAVOUR.

No. 15.—Mr. Hammond to Mr. S. W. Taylor.

SIR,

Foreign Office, April 8, 1861.

WITH reference to your letter of the 19th of January, by which it appears that your brother seeks to obtain from the Italian Government compensation for the losses which he sustained on his property in the Island of Monte Christo, together with an assurance that he

shall hereafter be allowed to occupy that property without molestation, I am directed by Lord John Russell to request that you will obtain from your brother, and communicate to his Lordship, a detailed statement of the nature and amount of the compensation which he seeks, and of the grounds on which he considers the Italian Government liable to make it good. The purchase-money and the amount of money expended on the property, have been stated, but no clear account has been received of the actual loss of property by pillage, deterioration, or otherwise, which your brother has sustained; neither has it been shown how much of such losses are attributable directly to the acts of the Sardinian authorities, or how much is to be placed to the account of the band of plunderers who appear to have landed on the island, and for whose proceedings the Italian Government would *prima facie* appear not to be responsible.

Lord John Russell would also wish to know what compensation, if any, your brother seeks with reference to the legal proceedings instituted against him; in regard to which your brother would do well to show that the course he took after such proceedings were instituted was taken, as it were, under compulsion, illegally exercised, and to escape from which he thought it prudent to withdraw from his property.

Your brother should also show whether he took any, and if so, what, measures for the protection of his property after his departure.

As regards the future, Lord John Russell would wish to be informed whether your brother has re-established himself in Monte Cristo, or whether, if he has not done so, he continues to hold and utilize the property, or has abandoned it altogether; and, with reference to his actual or prospective occupancy of the property, what is the nature of the protection which he seeks, through the interference of Her Majesty's Government, to obtain from the Italian Government to insure his being able to possess and cultivate his property without further impediment or risk of injury.

I am, &c.

S. W. Taylor, Esq.

E. HAMMOND.

No. 17.—*Mr. S. W. Taylor to Lord J. Russell.*—(Received May 21.)
MY LORD, 41, Grosvenor Square, May 20, 1861.

I HAVE the honour to acknowledge the receipt of Mr. Hammond's letter of the 8th April, asking for a detailed statement of the nature and amount of the compensation required by my brother Mr. George Græme Watson Taylor, in respect of the indignities suffered by him, and the injuries inflicted on his property on the Island of Monte Cristo, and asking also for a statement of the grounds upon which he seeks such compensation at the hands of the Italian Government; and seeking to know the nature of the protection which my

brother desires for himself for the future, and which he has besought your Lordship to interest yourself in obtaining for him.

I have communicated with my brother upon these points, and I am now in a position to answer your Lordship's inquiries.

1. (a.) The amount of compensation to be claimed in respect of the personal indignities suffered by Mr. G. G. Watson Taylor, he would prefer to leave to the British Government. It is impossible for him to affix an exact pecuniary equivalent to the injuries which he has sustained in being virtually driven from his home, and subjected, together with Mrs. G. G. Watson Taylor, to the greatest inconvenience and anxiety. The mere pecuniary expense to which Mr. G. G. Watson Taylor has been put, through having to travel to England to lay his case before the English Government, and through having been compelled to seek a residence elsewhere than on his own property, may be estimated as exceeding 1,000*l*.

(b.) The damage to the island itself (caused directly by the party of Italian volunteers which landed from the *Orwell*, but which is to be attributed in chief part to the previous proceedings of the Government having given colour to a belief that Mr. G. G. Watson Taylor was unfavourably affected towards the Government of His Majesty Victor Emmanuel, and that, therefore, the sack of his property would not be visited with punishment by the Government) is estimated at the sum of 2,442*l*. sterling. This amount is made up as follows:

	£
5 acres of vines of 1860	168
1½ acre of vines, 10 years old	504
3½ acres of vines, 8 years old	940
50 orange and lemon trees, 6 years' old	180
Numerous fig, almond, and other trees	100
1 bull, 1 cow, 4 goats, 2 donkeys, 100 tame rabbits, 90 head of poultry, and 200 pigeons	50
Damage to mansion and other buildings, the doors, windows, and other woodwork being destroyed, and value of furniture entirely destroyed	500
	<hr/>
	£2,442

This amount, however, though perhaps covering the actual destruction of property by the Italian volunteers, by no means represents the actual loss sustained by Mr. G. G. Watson Taylor, inasmuch as such loss could only be replaced by time and extensive outlay of money; the original sum invested having been, as already stated to your Lordship, not less than 15,000*l*., including 2,000*l*., the original purchase of the island. The loss of interest on the money to be re-embarked in restoring the island to cultivation during the several years following such outlay, would, therefore, have to be added to the sum which should be claimed for compensa-

tion, and would increase the amount under this head to at least 5,000*l.* sterling.

It may be here observed that the destruction of property by the Garibaldians only anticipated the slower process of destruction which would have taken place through the compulsory absence of the proprietor, owing to the acts of the Government.

(c.) Mr. G. G. Watson Taylor considers the Italian Government liable to compensate him upon the following grounds:

(1.) On general principles, inasmuch as he had been treated with great favour, and had received protection up to a certain time, and had been thereby induced to invest his capital in the island, he conceives that he had a right to expect that his property would continue to be efficiently protected, and that he would not (without having given any cause for an alteration in the conduct of the Government towards him) have been so treated as to deprive him of the possibility of retaining the enjoyment of his property.

(2.) On the special ground, as regards the damage done by the Italian volunteers, that they were troops in the service of the Government. These troops were afterwards taken to Malta by a British cruiser, but were claimed by the Government of His Majesty Victor Emmanuel, and were released at the instance of that Government. Had they not been so claimed, they would have been tried by the British authorities for an act of piracy in seizing a British vessel. Having so claimed them, the Italian Government has itself affixed to their acts the effect above attributed to them, viz., the spoliation by troops of the Government of property situated on Italian territory and under the (presumed) protection of Italian laws.

2. With regard to the observation of your Lordship that my brother would do well to show that the course taken by him after the institution of the proceedings against him was, as it were, compulsory, my brother begs me to submit to your Lordship the following remarks:

(a.) He did not feel himself safe in remaining on the island, as one of the military guard had already drawn a sword upon him, and the conduct of all was threatening, and calculated to cause great alarm to himself and his wife.

(b.) The whole population of the island, with the exception of the guard, consisted of Mr. G. G. Watson Taylor, his wife, and his labourers, and the whole were cited to appear before the Criminal Court at Elba, upon the absurd charge propounded by the guard, who, as witnesses, would also be necessarily absent from the island. Immediately on receipt of the citation, Mr. G. G. Watson Taylor wrote to Sir James Hudson, Her Britannic Majesty's Minister at Turin, pointing out that the necessary effect of the citation would

be to withdraw the whole population from the island, but the Government refused to attend to Sir James Hudson's representations.

(c.) Mr. G. G. Watson Taylor made two other attempts to ensure protection for the island during this abandonment. He applied to Mr. Fossi, Her Britannic Majesty's Vice-Consul at Elba, to send him a respectable person to take charge of it, but Mr. Fossi stated that he could not take on himself the responsibility of doing so. Mr. G. G. Watson Taylor also addressed himself to an inhabitant of Elba, offering him the entire produce of the island in return for his keeping up the cultivation. This gentleman at first accepted the offer, but afterwards declined to carry out the arrangement, stating that after the conduct pursued by the guard and by the Government towards Mr. G. G. Watson Taylor, he should not feel secure in the presence of the guard, and should be hopeless of obtaining, in case of injury, redress from the Government.

(d.) Mr. G. G. Watson Taylor left the island on the 18th August, 1860. Immediately on his arrival at Leghorn he consulted Signor Luigi Giera, who was considered the most eminent advocate in Tuscany, as to defending himself against the proceedings at Elba. Signor Giera encouraged him to do so, but Mr. Macbean, Her Britannic Majesty's Consul at Leghorn, so strongly advised him not to subject himself and Mrs. Watson Taylor to the insults of the Petty Court at Elba that he hesitated to do so, and went to Turin to see Sir James Hudson.

Sir James Hudson again interested himself with the Government on Mr. G. G. Watson Taylor's behalf, but again without success. Mr. G. G. Watson Taylor then asked his advice, and especially whether he saw any objection to his quitting Italy and not appearing at the trial. Sir James Hudson did not consider this course objectionable, and accordingly supplied Mr. G. G. Watson Taylor with the passport with which he quitted Italy.

3. Mr. G. G. Watson Taylor has not returned to the island, nor taken any steps to recommence the culture of it, for the following reasons:

(a.) The whole work of culture and planting must be recommenced *de novo*, at a large outlay, which no one would think of making; or indeed be justified in making, without assurance of future protection for property and person.

(b.) The residence must be repaired and made fit for habitation, and a fresh supply of live stock (upon which Mr. G. G. Watson Taylor, his family, and labourers would principally depend for food) must be placed on the island. This again could not be done without the assurance of protection.

Mr. G. G. Watson Taylor cannot dictate to the Government

the manner in which they shall afford this protection, but it appears to him as most desirable that the military guard should be removed altogether from the island, and that he should be permitted to arm his own labourers, who should be sworn in as a local police, so that, in case of need, he might have their assistance and protection. If, however, the Italian Government make a point of retaining a guard on the island, it is essential that any guard so placed there should be kept properly supplied with food by the Government, and should not be dependent upon Mr. Watson Taylor for supplies, which in case of scarcity might again, as heretofore, lead to their threatening to take by violence such food as they might require. It would also be necessary that the Government should impress upon the guard that their duty is really to protect Mr. Watson Taylor, and that any improper conduct on their part towards him would be visited with punishment. It would also be desirable that Mr. G. G. Watson Taylor should be still permitted to arm his own labourers, so that in case of need he might have their assistance as well as that of the guard.

I have, &c.

Lord J. Russell.

SIMON WATSON TAYLOR.

No. 20.—Sir J. Hudson to Lord J. Russell.—(Received July 16.)

MY LORD,

Turin, July 12, 1861.

WITH reference to your Lordship's despatches of the 6th April and of the 10th ultimo, I have the honour to transmit herewith to your Lordship a report from Mr. Consul Macbean on all the circumstances connected with the case of Mr. Watson Taylor.

I have, &c.

Lord J. Russell.

JAMES HUDSON.

(Inclosure.)—Consul Macbean to Sir J. Hudson.

(Extract.)

Leghorn, July 8, 1861.

I HAVE the honour to acknowledge receipt of your despatches of the 13th April and 14th June, requiring additional information in reference to the case of Mr. George Græme Watson Taylor, and instructing me to address to you a full report of all the circumstances connected with the same.

In obedience to your instruction, I have the honour to state that I became acquainted with Mr. G. G. W. Taylor during the summer of 1852; he was then in treaty for Monte Cristo, a barren island in the Tuscan Archipelago, about two miles in extent from north to south, and situated about 30 miles to the south of Elba, the purchase of which he concluded on the 25th September, 1852, for 2,000*l.* sterling.

There was then no house on the island, but only the ruins of a small dwelling and chapel erected in the fourth century by some

anchorites from Asia Minor, which dwelling and chapel had in progress of time been amplified by their successors. During the early part of the present century Monte Cristo was uninhabited, except for very short periods, when parties intruded themselves there, but were dislodged as soon as their presence on that island became known to the Government of Elba; Monte Cristo was declared to be in quarantine, and any person landing there was subjected on his return to a quarantine of several days.

The island having become the property of a Frenchman named Abrial, in the month of January, 1849, he took over some farm labourers, and at the same time induced the Tuscan Government to station a corporal on the island to act as sanitary agent, and so maintain pratique and free communication with the mainland.

As M. Abrial's attempts at colonisation appeared to meet with little success, the guard was withdrawn in November, 1850, and the island again thrown into quarantine. A guard was afterwards stationed on the island at M. Abrial's expense during the stay there of labourers in seed time and harvest, so as to keep open the communications with Elba and the mainland. When Mr. Taylor took possession of Monte Cristo in October, 1852, he found some of the Elba coast-guard installed there under the command of Corporal Duranti, whom I shall again have occasion to name.

When M. Abrial visited Monte Cristo he had only a hut to live in. Mr. Taylor lost no time in sending over a considerable number of farm labourers from Barga, &c., and bricklayers, stonemasons, carpenters, blacksmiths, plumbers, glaziers, &c., from Leghorn. He built himself a commodious mansion, with out-houses, and he also erected a barrack in the immediate vicinity of the landing-place for the soldiers; he brought some ground into cultivation, formed flower and kitchen gardens, plantations of vines, olives, &c., and introduced partridges and other varieties of game into the island. By way of propitiating the soldiers, Mr. Taylor employed and paid them wages as labourers, and for general convenience a canteen was established for retailing provisions, &c., at cost price.

Mr. Taylor purchased a sailing vessel and boats, and as he calculated on deriving an income from fishing in the neighbourhood, he built two steam-vessels for the purpose of maintaining a more rapid and regular communication with the mainland; and afterwards he was led to expend a considerable amount in the formation of a harbour to shelter them.

The steamers were found to be too large and expensive, and Mr. Taylor was unfortunately induced to employ them as passenger vessels between Leghorn and Marseilles. The management was bad, and the speculation involved Mr. Taylor in difficulties, which, in the beginning of the year 1856, compelled him to quit this

country, and remain absent until the liabilities in which he became involved could be settled.

I assisted in arranging Mr. Taylor's affairs, and am therefore enabled to state that, although he lived very quietly, and appeared to be very moderate in personal expenditure, he spent, in little more than 3 years, about 30,000*l.* sterling, of which I calculate not less than 11,000*l.* to 12,000*l.* sterling on the Island of Monte Cristo alone.

I understand that Mr. Taylor is a Master of Arts of Oxford, of a cultivated mind, and devoted to study. He had a very valuable library at Monte Cristo, but the more costly works were removed, during his absence in 1858, and sent back to England. His manners are reserved and retiring, and I believe him incapable of designedly offending or injuring any person.

Of Mrs. George G. Watson Taylor I know little, and I have not seen her since 1855. She is French by birth, and then spoke English fluently. By persons who have served at Monte Cristo she is spoken of as a kind mistress, but generally she was not so popular as her husband.

The steam-vessels having been sold, and the pecuniary claims settled, Mr. and Mrs. Taylor returned to Monte Cristo in June, 1858, with a very limited establishment, and continued to reside there until August, 1860, when they removed from that island, taking with them some of their furniture.

I now pass on to what gave rise to the present question.

On the afternoon of the 17th August, 1860, I met Mr. Taylor, who had just arrived here direct from Monte Cristo, and he told me that he had been obliged to leave the island in consequence of the annoyances he had experienced from the authorities in Elba, and from the soldiers stationed at Monte Cristo. He accused the latter of having made very free with his property, and of having shot his goats, &c. He spoke of the persecution to which he and his people had been subjected, and of a trial which was to have taken place some days before at Porto Ferrajo, but which had been postponed. He complained of having received no information of the change of Government in Tuscany, and said that he did not see Italian newspapers, and was not obliged to believe all that he happened to read about Italy in an English paper.

On the 22nd of August Vice-Consul Fossi wrote to me from Porto Ferrajo as follows :

"Mr. and Mrs. Taylor, and their dependents, are to be brought to public trial, charged with seditious manifestations and insults to the person of King Victor Emmanuel. To the lady is ascribed the chief blame. The Public Prosecutor has preferred the charge in consequence of a report sent in by the non-commissioned officer in

charge of the military guard at Monte Cristo, and has been authorized to do so by the Governor-General of Tuscany.

"As soon as Mr. Taylor received the citation of the tribunal, he wrote, requesting me, as British Vice-Consul, to take measures for the protection of his property in Monte Cristo, during the absence of his men, who are cited to the trial; and he required no less than that I should send him provisional substitutes, under my own personal responsibility, and at the expense of the Government of Elba.

"I replied that I would endeavour, as soon as possible, to find him one or more persons in whom I could place confidence, but without assuming any responsibility whatever; and I suggested that the wages and travelling expenses should be advanced by him, without prejudice to his reclaiming them from the Government, in the event of his establishing his right to do so. I added that I would assist in the defence.

"The citation was for the 4th of August current. In consequence, however, of bad weather, my letter only reached Mr. Taylor on the 30th July, although I had taken trouble to forward it by a boat bound to Pianosa. He replied curtly that as I had not sent over the people whom he had asked for, the consequences of insufficient protection must recoil upon me if he and his dependents did not appear at the trial on the 4th of August.

"I confess I was annoyed by such an answer, as I am not the agent of Mr. Taylor, but of the British Government, and I could not submit to the conditions he desired to impose on me. However, as the time was short, I took it upon myself to apply officially to the President of the Tribunal for an adjournment of the case, and I obtained it. The trial, appointed for the 4th of August, was postponed to the 5th of September next.

"I immediately informed Mr. Taylor of the adjournment which I had procured, and I remarked that he would thus have more than sufficient time to arrange for the safe custody of the island by persons enjoying his confidence, as also to prepare a proper defence; and I added that, in either case, he might cross over to Elba or to the mainland without hesitation, as I could guarantee him from any annoyance.

"Mr. Taylor took no notice of my communication, and some days ago I learnt that he had quitted his house on the island of Monte Cristo, after embarking his furniture, leaving other articles in a state of abandonment, in the expectation that the Government of Elba must pay all damages.

"I shall not fail to attend the trial on the 5th of September, even should it proceed in the absence of the accused, and I will report to you the result."

On the 21st of August Mr. Taylor called at this office, and informed me that he had submitted his case to the advocate, Luigi Giera, an able lawyer, who thought favourably of it, and was willing to undertake the defence, but that as the advocate's fee for going to Porto Ferrajo was 45*l.* sterling, he had determined, before committing himself to that outlay, to go to Turin for the purpose of conferring with you.

On the 24th of August Mr. Taylor wrote to me from Turin :

" I find that it is impossible to have this trial quashed: the Government have 3 times refused to do it for Sir James Hudson. Upon second consideration, it is too disagreeable and too expensive for us to return to Porto Ferrajo to be made a sight of. We shall, therefore, be condemned by default. But at the same time, as I do not wish my labourers to suffer for me, I should be much obliged by your writing to Natale Giovannoli, to inform him that he and the 3 other labourers should be at Leghorn by the 1st of September, in order to be in time for the trial."

The labourers left Leghorn on the 3rd of September, for Elba, but as they came here without money for their travelling expenses I was obliged to advance 3*l.* 6*s.* 8*d.* sterling to them on Mr. Taylor's account. On the 6th September they returned here, after having been tried and acquitted by the Criminal Court of Elba.

Vice-Consul Fossi's report of the trial is as follows :

" The proceedings against Mr. and Mrs. George Watson Taylor and their dependents Benedetto Conti, Enrico Brandeschi, Natale Giovannoli, and Giovanni Casci, of Barga, in Tuscany, were initiated, in consequence of two reports transmitted by the corporal in command of the military guard stationed on the island of Monte Cristo—the first under date of the 11th of May last, and the other under date of the 6th of June last—both of which were handed over by the Military Commandant of this island to the civil authority.

" As, according to the Penal Code now in force, the facts reported to the prejudice of Mr. Taylor and his dependents bore the character of crimes, the Procureur Royal of the Tribunal of First Instance in this city obtained the authorisation of the Governor-General of Tuscany to initiate proceedings as regards the crime of having uttered offensive language respecting the person of His Majesty King Victor Emmanuel, which Mrs. Victoria Taylor is specially accused of having done on the 30th of June last, and then commenced a criminal action, with analogous requisitorial, against all the accused parties for seditious manifestations; against Mr. George Taylor for resistance to the public force; against Mrs. Victoria Taylor for offensive language respecting the sacred person of His Majesty King Victor Emmanuel; and, finally, against

Mr. and Mrs. Taylor for having instigated the others to seditious manifestations.

"Under the complex accusation the aforementioned individuals were summoned to public trial, which took place on the morning of the 5th September current, and at which trial Mr. George Taylor's 4 dependents alone appeared, defended by Dr. Emilio Grandolfi, whom the tribunal, *ex officio* has assigned to them as Counsel.

"In my official capacity, as Vice-Consul, I deemed it my duty to attend the trial, and I was present that day during the sitting of the Court.

"The witnesses for the prosecution examined at the trial were 8 in number—of whom 6 were soldiers belonging to the battalion 'Insular Coast Guards,' who constituted, at the time of the facts alleged, the military guard on the island of Monte Cristo—and two peasants who resided on the island at the time in question, as tenants of Mr. Taylor's.

"It appears, by reference to the text of the sentence of the 5th September aforesaid, that from the *ensemble* of the depositions of these witnesses, the Court held the following facts as proven :

"That on the evening of the 28th April, 1860, between the hours of 9 and 11 o'clock, several musket-shots were fired on the island of Monte Cristo, in the neighbourhood of Mr. Taylor's residence, accompanied by repeated cries and cheering, the signification of which could not be understood by the deposing witnesses, while, however, the accused under trial maintain that on that evening they were celebrating the birthday of their master Mr. Taylor.

"That on the morning of the 1st May, 1860, in consequence of Mrs. Taylor having refused to give B. Conci, goatherd and peasant in her service, permission to bake his bread in the usual oven, a dispute occurred, in which Mr. George Taylor also took part ;

That the corporal of the guard having come up, with 3 soldiers, to prevent disturbance, while exerting himself to persuade Mr. Taylor to concede the permission which had been asked, in order that Conci's family might bake their bread and break their fast, both Mr. and Mrs. Taylor declared that they did not recognize the Government under which the said soldiers served, and that they would not yield obedience except to the soldiers of Leopold II ;

"That Mrs. Victoria Taylor then added that the King Vittorio Emanuele was a bullock-merchant, and made unseemly gestures with her hands, and noises with her mouth, saying "Per Vittoria Emanuele!"

"That while the corporal was intimating to Mr. Taylor to desist from such conduct, the latter struck him on the breast with his hands, but without doing him any injury ;

"That early in June last, the arrival of the mail-boat having been delayed on account of the weather, the men composing the military guard at Monte Cristo being quite without provisions, went to Mr. Taylor's house, to ask the favour of some bread, which they would have paid for, but were met with a positive refusal, and were told that had they served and recognized Leopold II there would have been every readiness to give them the subsistence they required, but as to the servants of Victor Emmanuel they should not have the slightest thing given to them.

"Taking these facts into consideration, the tribunal declared not proven the seditious manifestations of which Benedetto Conti, Enrico Brandeschi, Natale Giovannoli, and Giovanni Casci, are accused, and accordingly acquits them.

"Declares, however, the seditious manifestations of which Mr. and Mrs. Taylor are accused to be proven; as also to be proven the resisting of the public force on the part of Mr. George Taylor, and the insult to the sacred person of the King on the part of Mrs. Victoria Taylor.

"Thereupon, in application of Articles CIX, CXXIX, and CXLIV, section 1, of the Tuscan Penal Code, condemns Mr. George Taylor in the penalty of one year's imprisonment, 6 months of which for the crime of seditious manifestations, and 6 months for the other offence of resisting the public force; and Mrs. Victoria Taylor to 21 months' imprisonment, of which 6 months as guilty of prolonged seditious manifestations, and 15 months for the crime of insulting His Majesty the King Victor Emmanuel.

"Permit, me, however, to remark, that had Mr. and Mrs. Taylor defended themselves, instead of allowing judgment go by default, the result of the trial would not have been so untoward; however, there remains to them two remedies, viz., that of opposing the sentence given by default, or a resort to the Court of Cassation."

It having been suggested that it might be of advantage to Mr. and Mrs. Taylor to place evidence on record as to what really did take place at Monte Cristo, in connection with the accusations brought against them, the 4 labourers aforementioned were sworn and interrogated by a Notary Public, who, in conformity with the prescriptions of Tuscan law, embodied their depositions in a public instrument. From the depositions so taken it results that the 4 witnesses "were on the Island of Monte Cristo, in the service of Mr. and Mrs. Taylor, from the 4th March to the 15th August, 1860. That during that time the following facts occurred:

"On the 28th April, being the eve of Mr. Taylor's birthday, they, the deponents, wished to celebrate the anniversary by discharges of fowling-pieces, and on the following day, after dinner, they repeated the firing with the same object.

" On the 1st May, the wife of a goatherd, residing on the island, came to Mrs. Taylor, and asked for the key of the oven, and Mrs. Taylor, finding fault with her because she had not finished the washing of the household linen, told her that, when she had finished her work, she would give her the key. The woman then commenced to inveigh loudly against Mrs. Taylor, who retired into her apartments.

" At the loud cries of the woman her husband and brother descended the mountain, and on their way down they uttered threats towards Mr. and Mrs. Taylor, saying that they would revenge themselves on those infamous gentlefolk.

" On their reaching the plain they were joined by the soldiers composing the guard, and soon after Mr. Taylor arrived, and inquired the cause of that noise.

" Then the corporal of the guard, with a loud voice and overbearing manner, ordered Mr. Taylor to give the key of the oven to the goatherd's wife.

" To this injunction Mr. Taylor replied by inquiring, By what authority do you order me? whom do you serve? and the corporal replied, 'I serve Victor Emmanuel;' to which Mr. Taylor rejoined, 'Show me proof that that King rules in Tuscany:' the corporal at this was silent.

" Contemporaneously the goatherd, Bartolommeo Conci, turning to Mrs. Taylor, with a provoking manner, asked her, 'Is it not true, lady, that one Victor Emmanuel is a bullock-dealer?' and she replied, 'If you are mad, I am not.' After which Mr. and Mrs. Taylor gave the key of the oven, and the dispute terminated."

The aforementioned individuals, with the exception of Giovanni Casci, who was not present at the occurrence, deposed:

" That towards the end of June the soldiers of the guard, who relieved those of whom mention is made above, went to ask Mr. Taylor to furnish them with bread and other articles, alleging that they had used up their supplies; and that Mr. Taylor replied, that there would be no difficulty whatever, provided they proved that really, as they asserted, the King of Piedmont ruled also in Tuscany; which, however, added Mr. Taylor, I have no reason to believe, inasmuch as the authorities on the mainland would not pay me the amount of the vouchers for provisions given to the soldiers on the island, who likewise asserted that they were at the service of King Victor Emmanuel.

" Upon this declaration the soldiers, without giving any satisfaction, went for their arms, and came back to insist; they afterwards retired, and went to dig up potatoes belonging to said Mr. Taylor.

"They further deposed that, in the month of March last, a certain Corporal Duranti, who then commanded the guard, took it upon himself, notwithstanding the remonstrances of Mr. Taylor, to admit to free pratique two vessels arriving from Naples, and that in contravention to the existing sanitary laws.

"And, finally, the aforesaid deponents, with the exception of Enrico Brandeschi, declare that on the 30th July, 1860, the soldiers of the guard then on the island, made free to shoot a goat belonging to Mr. Taylor, and, in the evening, conveyed it to their barrack in a sack."

On the 18th June, 1861, Vice-Consul Fossi, writes as follows :

"It is true that, in the month of January last, Mr. and Mrs. Taylor obtained, by grace of King Victor Emmanuel II, the condonation of the punishment inflicted on them by sentence of this tribunal ; from which circumstance I argued their early return. Till now, however, no one has appeared.

"I am not aware whether the aforesaid act of grace was spontaneous, or whether it was solicited ; but in any case the sentence of the tribunal has not been reviewed nor annulled because no remedy, ordinary or extraordinary, was resorted to by the succumbent parties.

"I do not believe that the authorities of this island (Elba) regarded Mr. and Mrs. Taylor as subjects for persecution, and, as regards the members of the tribunal, I would venture to guarantee that they certainly did not do so.

"The Procureur-Royal made his requisition in consequence of two reports transmitted to him by the Military Commandant of Elba, in which the conduct of the Taylors was represented as being systematically hostile to the military guard stationed at Monte Cristo, and facts were circumstantially set forth, from which it appeared that they had been guilty of seditious manifestations, and of insults offered to the sacred person of the King. Upon the same reports, Baron Ricasoli, then Governor-General of Tuscany, authorized the criminal prosecution, and, by doing so, he only intended to punish the crime, if it really had been committed, without reference to individuals, who, in the eye of the law, are all alike.

"As I remarked to you before, Mr. Taylor, too much influenced by the wishes of his wife, placed himself in the wrong by allowing the case to go by default, without offering some defence. On my part, I did what I could to dissuade him, and obtained for him the adjournment of a month, in order that he might provide for the provisional custody of his property. Fixed, however, in his idea of 'persecution,' he took his departure, after having laden a vessel with furniture and other articles of value. The house remained shut up

with some furniture in it ; the gardens and the cultivated lands in a state of abandonment ; many domestic animals, and amongst others two asses, were left to manage for themselves.

"I am not in a position to state precisely the amount of damage which Mr. Taylor's property has thus sustained in consequence of his absence, or the want of proper custody. The damage, indeed, must exist, but much of it is owing to the act of Mr. Taylor himself."

The penalties decreed by the Criminal Tribunal of Elba were imposed in application of Articles 109, 129, and 144, section 1, of the Tuscan Penal Code, which is still in force here, and which Articles are as follows :

"Art. 109. Whosoever fails in respect to the Grand Duke is punished by imprisonment—

"(a) From two to 6 years in cases of lampoon ('libellus famosus').

"(b.) From 18 months to 5 years in cases of defamation ; and,

"(c.) From one to 4 years in cases of insult."

"Art. 129. Seditious manifestations which, without intention of exciting to crime occur in a public place, or are attended with public scandal, provided they do not come under a heavier punishment, are punished with imprisonment of one month to one year."

"Art. 144, section 1. Whosoever uses violence towards an individual invested with public authority, either while the said individual exercises his functions, or is engaged in relation to the same, or from simple hatred towards the authority, is punished as guilty of public violence, with imprisonment from one to 6 years."

Article 110 declares that any offence committed against the Regent of the Grand Duchy shall be punished as if committed against the Grand Duke.

On comparing the sentence with the Articles of the Tuscan Code, on which it is founded, the judges do not appear to have exceeded in the application of the penalties ; but Vice-Consul Fossi, who practises as a solicitor, writes that, had the case been defended, the result must have been very different, and such is also the opinion of other lawyers here. Indeed, the acquittal itself of the four labourers goes to confirm that ; they were accused of seditious manifestations, for which the punishment is imprisonment from one to 12 months, but at the trial it was elicited that the supposed seditious acts consisted in the firing of muskets, accompanied by cheering, in honour of Mr. Taylor's birthday. The accuser and his witnesses, by their own admission, were not near enough to understand the signification of the rejoicings, in which they had not been invited to partake. Accusations quite as unfounded are allowed to go to trial in Tuscany, on the plea that it is necessary to enforce respect towards persons in authority (the military particularly), and that, as the judges will take care that the accused is treated with

fairness, it cannot matter if the code is severe as long as it is applied with mildness.

No doubt Mr. and Mrs. Taylor acted unwisely, and placed themselves in the wrong, by refusing provisions to the soldiers, and requiring them first to prove that King Victor Emmanuel reigned in Tuscany; but they felt irritated, in consequence of the conduct of the soldiers towards them, as well as the non-payment of former supplies furnished to the guard.

I have already mentioned that when Mr. Taylor first took possession of Monte Cristo he found Corporal Duranti installed there in command of the guard. The understanding with the Tuscan Government was that the corporal's remuneration, as sanitary agent, should be at the charge of Mr. Abrial, and Mr. Taylor complied for some time with that arrangement; but in 1855 he refused further payments, and the Tuscan Government, in order to continue to Monte Cristo the advantage of free pratique, and to the soldiers their accustomed perquisites, placed the island (by Decree dated the 24th April, 1856) on a footing with other Sanità stations. Mr. Taylor continued, however, to employ and pay the soldiers as labourers, until he quitted the island in 1856. The Government afterwards forbade their being so employed.

Corporal Duranti was removed from Monte Cristo, in consequence of repeated complaints made against him by Mr. Taylor, but after a time he was reinstated, to Mr. Taylor's great annoyance, and, as may be supposed, the corporal did not return there with more friendly feelings towards Mr. and Mrs. Taylor.

Mr. Taylor had experienced trouble with the soldiers at Monte Cristo; he had regarded them as placed there for his convenience, and for the protection of his property, and considered himself authorized to call the corporal to account for any irregularities, which might have thrown the island into quarantine with the mainland. Shortly before the date of the corporal's first accusation against Mr. Taylor, the latter had remonstrated against an infraction, on the part of Corporal Duranti, of the sanitary laws, for the enforcement of which the corporal had been stationed at Monte Cristo.

I believe that the corporal, and the other witnesses who appeared at the trial, were all more or less hostile to Mr. and Mrs. Taylor. The labourers, who were acquitted, deposed to their having heard the two goatherds utter threats against Mr. and Mrs. Taylor, and their intention to have revenge; and really it does look as if the occurrences out of which the accusations arose had been preconcerted between the soldiers and the goatherds.

The allegation against Mrs. Taylor, and for which she was sentenced to 15 months' imprisonment, is that she had said that "the King Victor Emmanuel was a bullock-merchant," and that these

words were accompanied by unseemly gestures with her hands and noises with her mouth; whereas the depositions of the labourers represent the goatherd Conci as having addressed to Mrs. Taylor, in a taunting manner, and in the presence of the soldiers, the question, "Is it true, lady, that one Victor Emmanuel is a bullock-dealer?" and Mrs. Taylor's reply to have been, "If you are mad, I am not." As to the gestures and noises imputed to Mrs. Taylor, I do not believe what was said; the labourers contradict that part of the evidence, and no respectable person would be guilty of such coarseness as is imputed to her by the accusers.

Mr. and Mrs. Taylor were sentenced to 6 months' imprisonment for having incited their labourers to seditious manifestations, which were proved to have had no existence.

Mr. Taylor is accused of having struck the corporal "on the breast with his open hands, but without doing him any injury," and of not having yielded obedience to the corporal when ordered to deliver up the key of his oven to a servant, to whom Mrs. Taylor had refused to give it. That was construed into an act of resisting the public force, and for having done so Mr. Taylor was condemned to other 6 months' imprisonment.

As all this is alleged to have occurred at the door of Mr. Taylor's house, which is at some distance from the soldiers' barrack, it is surprising that it did not occur to the judges that the unsolicited attendance of the corporal and three soldiers, and their interference in Mr. Taylor's domestic arrangements, was a piece of gratuitous impertinence, and that their conduct had been more calculated to create than to prevent disturbance.

It does seem monstrous that such a prosecution should be permitted in a country enjoying constitutional privileges; and it may well be inquired, what were the probable motives of the local authorities in prosecuting, or in the Governor-General in authorizing the prosecution. Of the corporal, from whom the accusations emanated, no doubt his intention was to annoy, if not to injure; but as regards the superior authorities, I cannot imagine that they could have had any personal feeling in the matter. The accusations, passing from hand to hand as a matter of routine, and perhaps without attracting attention, reached the Public Prosecutor, who might have considered himself obliged to prosecute Mr. Taylor, even had there been no other accusation against him, for the alleged resisting the military force, whereas he could not prosecute for the insult offered to the King without the authorization of Baron Ricasoli, the Governor-General.

Baron Ricasoli might have quashed the proceedings (for no one could have questioned his motives, or his attachment to the person of the King), but probably, amidst numerous and important occu-

pations, he took the reports of the case, as transmitted by others, without inquiring into its merits, or, his endeavours being directed to the consolidation of the Italian Power, and to the repression of sedition and reaction in Tuscany, he may have felt that the exercise on his part of the *nolle prosequi* might have tended to damp the zeal of subordinates.

I understand that there have been cases here of conduct much worse than that imputed to Mrs. Taylor, really attended with publicity, which have been quashed or hushed up.

I beg leave to remark, that Article 129 of the Tuscan Criminal Code, in prescribing the penalty for seditious manifestations, contemplates their commission "in a public place," or "attended with public scandal;" whereas in the case in question the place was certainly not public, and as to scandalous publicity, there could have been none in an island possessing, in all, 26 inhabitants, viz.:

Mr. and Mrs. George G. Watson Taylor	2	} Being the parties accused.
Labourers in their service	4	
Goatherds	2	
Corporal and 4 soldiers	5	} Witnesses for the prosecution.
Wives of the goatherds	2	
<hr/>		
	15 adults.	
Families of the goatherds	11 infants and children.	
<hr/>		
26		

And, had there been seditious manifestations in such an island, what could they have led to? how could the Italian Government have been thereby affected?

I am not aware whether the sentence of the Criminal Court at Porto Ferrajo was ever notified, as prescribed by law; if not, Mr. and Mrs. Taylor might still bring it under review, unless the remission of the punishment has the effect of barring proceedings on their side.

The repugnance of Mr. Taylor to appear at the bar of a Criminal Court was, no doubt, enhanced by the knowledge that, as the Tuscan Courts do not recognize that well-established principle of English law that no man is obliged to criminate himself, he and Mrs. Taylor would have had to confront witnesses, and have been, themselves, subjected to a searching cross-examination in open Court; and that, so far from being allowed to benefit by any doubt which might arise in the minds of the judges, such doubt would rather have told against them had they failed to explain it away to the satisfaction of the Court.

I have not heard whether it is the intention of Mr. and Mrs. George Watson Taylor to avail themselves of the remission of the penalties, and to return to Monte Cristo. Probably Mr. Taylor

may wish to know on what footing he is to be allowed to settle there again, and what protection and freedom from petty annoyances he may count upon; for, much as Mr. Taylor enjoys Monte Cristo as a residence, the enjoyment might be purchased at too great a sacrifice of temper and personal comfort, if required to submit to the mischievous interference of a meddling corporal in the domestic arrangements of his family, or in such questions as might arise between Mrs. Taylor and her laundress.

Mr. and Mrs. Taylor quitted Monte Cristo on the 15th August, 1860, and 8 days later the island was visited and pillaged by armed men, landed from the British steamer *Orwell*, of London. What then occurred I beg to quote from the official report of Vice-Consul Fossi, addressed to me under date of the 4th September, 1860:

“After having assured myself of the said Mr. Weiss (William Willoughby Weiss), by examination of his passport, granted in London on the 18th June, 1860, I learned from him the most important facts relating to the landing on the island of Monte Cristo, and the violent acts committed there.

“On the evening of the 22nd August last, the *Orwell*, British steamer, stated to be commanded by Captain Salter, left Genoa for Messina, and Mr. Weiss and other passengers took passage on board. The *Orwell* called off Leghorn on the morning of the 23rd, and after landing two persons (since ascertained to have been Captain Styles and M. L. S. Pilotti), proceeded on her voyage.

“After the disembarkation of the two persons aforesaid, the command of the vessel was taken by a certain Settembrini, who wore an English naval uniform. At sunset on that day, the 23rd, the *Orwell* was off the island of Pianosa, and about two hours after dark anchored off the island of Monte Cristo.

“After some time a boat was hoisted out, several of the crew got into it, and took the direction of the land, as if in search of something; they returned about daybreak.

“It appeared to Mr. Weiss at this time, that arms were taken on board the steamer from the boat.

“On the morning of the 24th, by order of the Captain, the passengers, in number about 25, were collected in the fore part of the vessel, and soon afterwards the whole crew was mustered, all wearing red shirts, and about 50 in number, mostly English, to whom, drawn up in two rows, muskets and sabres were distributed.

“After this review, which surprised and aroused the suspicions of the passengers, Captain Settembrini landed on the island of Monte Cristo with some of his followers and some of the passengers.

[1860-61. II.]

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"The former went inland as if to visit the island, and having inquired of the head of the military post who the neighbouring house belonged to, they were informed that it was the property of an English gentleman who had been absent some days.

"On that day no outrage was committed on the property of Mr. Taylor, as after remaining about 3 hours on shore all the visitors returned on board the steamer.

"During the night of the 24th-25th August a boat was again sent on shore, with two officers and several of the crew; after some time this boat returned with a few muskets, and from that circumstance it was inferred that the garrison of the island, composed of a corporal and 4 soldiers, had been disarmed.

"The boat returned again on shore, and brought back to the vessel some articles of furniture, which were put on board.

"On the following morning (25th) the landing on the island was almost general, and it was then that Mr. Weiss had an opportunity of seeing that Mr. Taylor's house had been violently broken open and pillaged; but the depredations did not stop there; the domestic animals on the property of Mr. Taylor were killed and taken away, the vineyards damaged, many orange and lemon plants uprooted and carried off.

"The garrison being disarmed was unable to prevent these truly piratical acts.

"Mr. Weiss, who on the preceding night had been robbed of his travelling bag, was so disgusted by these attacks on property, that he determined to remain on shore, more especially as, from something which he overheard, he gathered that some hazardous enterprise was about to be attempted, and having gone on shore he contrived to keep aloof in order to avoid insult, and on the departure of the steamer at 5 P.M. on the 25th August he presented himself to the head of the military post, and remained on the island until his departure for Elba.

"Meanwhile the ordinary tribunals are collecting information; I shall wait for the verificatory results to report them to you."

In a private letter dated the 4th September, Vice-Consul Fossi writes to me:

"With regard to Mr. Taylor, who is, I presume, informed of the fact, I may tell you that the officer sent to Monte Cristo by the General has reported to me that the little furniture left by Mr. Taylor had either been destroyed or carried off. The door leading into the kitchen was broken open, then the invaders penetrated into all the rooms; it appears that they found all the keys in a bunch; the window glasses are all broken: in fact, to make the house sure it would be necessary to send workmen to mend the locks and doors. Will Mr. Taylor like to incur this expense? I

do not think myself authorized to do it without his instructions; I should wish for your advice on this point."

On the 6th September, 1860, I saw Mr. Weiss on his arrival here from Porto Ferrajo, and he repeated to me the statement which he had made to Vice-Consul Fossi; he described the island of Monte Cristo as having been "regularly sacked," doors forced open, and locks and bolts wrenched off and carried away.

Mr. Weiss' statements are confirmed by entries in the journal of an Englishman named Whitmore, who appears to have been implicated in the abduction of the *Orwell*. Whitmore's journal details his own arrival at Genoa on the evening of the 14th August, 1860, with 83 English and American seamen, engaged at Marseilles for Garibaldi's transport service; the transfer the same evening of the said seamen to the *Orwell*; his engagement with L. S. Pilotti to serve on board the *Orwell* as clerk, purser, and interpreter; the appointment of officers, quartermasters, &c.; the shipment of coals, water, provisions, and arms; the embarkation of passengers for Messina on the 22nd August, the lighting of fires; coming on board of Mr. Salter, master of the *Orwell*; discussion between him and Settembrini, then acting as first lieutenant, and return on shore of Mr. Salter; command assumed at 10 p.m. by Pilotti (Mr. Salter being still on shore), and departure of the *Orwell* from Genoa; calling off Leghorn on the morning of the 23rd August for the purpose of landing Captain Styles and Pilotti, and arrival at 10 o'clock that night off Monte Cristo. The journal then continues as follows: "24th August: Settembrini, then in command, went on shore and explored the place. On the island there exists a dwelling, as far as I could learn, belonging to an English gentleman of the name of Watson or Watson Taylor: at this time he had left the island, although in the house there was some furniture remaining, as well as ducks and rabbits in the yard; the latter were shot and taken, some furniture also came on board. At 10 p.m. a party went on shore, disarmed the guard, taking from them 5 muskets and about 150 cartridges; a passenger by the name of Weiss went on shore here. 25th August: a party went on shore for wood and water, shot two bullocks, which were brought on board; the boatswain was ordered to be put in irons. At 6 o'clock all on board, and weighed anchor and proceeded to sea, &c."

I understand that Mr. Salter, the master of the *Orwell*, was tried before a naval court at Genoa, and acquitted of complicity in the loss of his vessel; that the *Orwell* was captured in the Sicilian waters by Her Majesty's ship *Scylla* and sent to Malta, where the parties concerned in the abduction were to have been tried for piracy, but, that the owners of the *Orwell* opposed their prosecution. From the entries in Whitmore's journal it appears that for 8 days at least

previous to the abduction of the *Orwell*, the parties concerned in that act had made use of the said vessel in the port of Genoa as a depôt for men and arms, &c. The authorities of the port must have seen and known what was going on, and perhaps might have prevented the departure of that expedition, the avowed object of which, according to Mr. Whitmore, was to run alongside and capture a Neapolitan frigate.

If a case of collusion could be established against the owners of the *Orwell*, perhaps Mr. Taylor might be able in England to recover damages from them, for the loss sustained at Monte Cristo through the visit of the *Orwell*.

I believe that it is impossible for any person without the assistance of Mr. and Mrs. George Watson Taylor to estimate the amount of the loss and damage; and such estimate can only be properly formed on the island itself after they have returned and ascertained what is missing, for the soldiers can only give a general idea of what was taken. And Vice-Consul Fossi reports to me on the 18th June last, that he has "no data as respects the quantity or quality of the articles carried away or destroyed;" he adds, that a visit by order of the Public Prosecutor has been made to the island for the purpose of establishing its condition, but that he is unacquainted with the result.

I am not aware that I can add anything further to this report. I have to express my regret that, owing to the many details into which I have been obliged to enter, and the great pressure of other work at this office, I have been unable to comply more expeditiously with your instructions.

Sir J. Hudson.

A. MACBEAN.

No. 21.—Earl Russell to Sir J. Hudson.

(Extract.)

Foreign Office, August 19, 1861.

I HAVE referred to Her Majesty's Advocate-General Mr. Macbean's report on the destruction of Mr. Watson Taylor's property at Monte Cristo, inclosed in your despatch of the 12th July, and also a statement on the same subject which I received from Mr. Taylor's brother.

You will see from the copy of the Queen's Advocate's report, which I inclose, that he looks upon the transaction in a very serious light, and that he considers the manner in which the prosecution against Mr. Taylor was conducted as very far from creditable to the Italian Government.

It is impossible, therefore, for Her Majesty's Government to allow the matter to rest as it now stands; but before I furnish you with final instructions as to the nature of the representations on the subject to be addressed to the Government to which you are acce-

dited, I desire to receive any further observations which you can yourself make, and you will obtain the best legal opinion and transmit it to me at the same time.

You will apprise Baron Ricasoli that you will have hereafter to bring it formally and officially before the Italian Government; but his Excellency may, perhaps, be disposed, on looking into the case, to render such a step unnecessary by voluntarily making adequate reparation for what has occurred, and by enabling Mr. Taylor to re-enter upon his property with a full assurance of future protection.

Sir J. Hudson.

RUSSELL.

No. 22.—*Sir J. Hudson to Earl Russell.*—(Received November 6.)
(Extract.) *Turin, November 1, 1861.*

In obedience to your Lordship's commands I have taken, and have the honour to inclose, the opinion of an Italian advocate upon the case of Mr. Watson Taylor, as set forth in your Lordship's despatch of the 19th August.

The information ("verbale") was laid in due form and course of criminal procedure, as established by the Constitution then in force in Tuscany. The informer was the chief of the guard in command on the island of Monte Cristo; and Baron Ricasoli did not give, and could not have given, any authorization whatever in a matter which was beyond his cognizance and competence: he was simply the Representative of the Executive Government of the King of Sardinia: he governed according to the forms of the Constitution of Sardinia; and that Constitution does not confer upon the Executive any power of interference with the judiciary.

The Public Prosecutor had before him the simple fact of defamation of the King and of his authority. The chief guard, as we see by his evidence, made the most of it; but I think it is only fair and reasonable to suppose that the Public Prosecutor was in ignorance of what had led to the charge. If he had not been in ignorance, he doubtless would have dismissed the case; but with a charge of defamation he could only deal in one way, and that was in the regular way of process, and he and the judges did so deal with it; but the action of the Public Prosecutor and the judgment of the court were due not to malice or severity, but to the form of procedure, that is to say, to the rules and regulations prescribed by the criminal code, for which rules and regulations the Public Prosecutor and judges are not to be held responsible. Now a code is a rigid, inflexible, inelastic instrument, the forms of which no man, no judge, no Governor, no Executive, not even the Sovereign, can alter or tamper with. It is one of the disadvantages of a code. But as the judiciary in Tuscany was then constrained to abide by the forms of the code,

I do not see how the Public Prosecutor or the judges can be blamed for having followed its regulations and sentence; nor do I see how the Executive Government can be blamed if the judiciary, over whom they have no control, followed the line of conduct prescribed by the code.

Your Lordship will perceive by the report of the advocate Chiapusso that the judges gave neither the maximum nor the minimum of the penalty prescribed by the code. They took a middle term, and gave judgment accordingly. Doubtless the sentence, all things considered, is severe; but in justice to the judges we are bound to consider in what times they lived, and under what circumstances they acted. The fate of their country still hung trembling in the balance. Victor Emmanuel, after great events, great battles, great political excitement, had been proclaimed Sovereign of Tuscany. They, too, had shared an excitement common to all. It was not likely that any want of zeal would be shown by the judges of Porto Ferrajo in what they deemed a political case, calling in question the Sovereign they had accepted and proclaimed, and under whose authority they were then acting. And again the severity of the sentence is due not so much to the judges as to the code. But admitting it to have been due to their severity, even then the Executive cannot interfere. To the Executive is reserved simply the power of suggestion, and the Executive did, immediately after sentence, suggest a full pardon. The Crown adopted their suggestion, and granted a full pardon. The Executive, therefore, cannot be accused of severity; they did what the law allowed them to do, and they did it readily. Had they interfered with the judiciary, they would have set aside the Constitution, and have committed an act for which they might have been impeached; they would have imitated those Governments which had gone down, and gone out, for the very reason that they never did observe the fundamental pact between Sovereign and subject.

It was not "a State prosecution;" it was a simple process. It was not "specially instituted;" it was carried on in the ordinary course, and under the usual regulations, provisions, and injunctions of the code.

Mr. Taylor ought, doubtless, to have appeared to his citation, to have defended his case; if judgment had gone against him, to have appealed; and if the court of appeal had confirmed the sentence of the lower court, then to have had recourse to the Secretary of State for Foreign Affairs.

Your Lordship is aware of what Mr. Taylor did not do, and of what his not having done has now entailed. For judgment *par contumace* by a Tribunal of the First Instance gives Mr. Taylor a right to appeal to a Tribunal of Second Instance, because it appears that

the judgment has never been communicated to him. But, as the King's pardon has been granted, he cannot appeal unless he rejects the pardon, in which case he ought to appear personally and defend his case; and this course is not recommended by the learned gentleman whose opinion I have, by your Lordship's orders, taken in his case.

To the best of my ability I served Mr. Taylor. I repeatedly wrote to Florence to express my earnest hope that the process might be quashed. The reply was, there was no power in the Executive to do so. I appealed no less than upon 3 several occasions, first to the late Count Cavour, and to the Minister of Justice, who regretted the affair, but could not stay the proceedings.

I knew that the process had been regular, and that the Executive could do nothing until after judgment, and I looked forward to Mr. Taylor's eventual pardon and return to the island if he so wished it, and I hoped and believed the case would terminate in that manner.

With your Lordship's permission I will now submit a remark with reference to the question of pecuniary compensation.

I have had the honour to submit to your Lordship that the information ("verbale"), process, judgment, sentence, and pardon in Mr. Taylor's case were conducted according to the form of law then existing in Tuscany. It will be for your Lordship to decide whether pecuniary compensation under those circumstances can be demanded of the Italian Government. But I believe this to be a proper occasion to notice a question relating to the British steamer *Orwell*, and the plunder of Mr. Taylor's property by those on board her.

The "persons" on board the *Orwell* were seafaring men, mostly British subjects, picked up at Marseilles by Garibaldi's agents, shipped on board her by consent of the *Orwell's* owners and master, which persons ran away with her from Genoa whilst the master was on shore with the ship's papers (by accident) in his pocket. The *Orwell*, then under British colours, commanded by those persons, stopped at the island of Monte Cristo, plundered and gutted Mr. Taylor's house in spite of the people in charge, and then proceeded to the island of Giglio, where they committed further depredations, as your Lordship will perceive by the inclosed copy of a voluntary confession of one of those persons which was made to Her Majesty's Consulate at Genoa.

The owners of the *Orwell* subsequently made her over to Garibaldi, and he made her over, with other vessels, to the Italian Government.

It will be in your Lordship's recollection that you did me the honour to recommend the owners of the *Orwell* to my officious protection by your Lordship's despatch of September 12, 1860, and those gentlemen called upon me, and claimed it.

My reply to them was to the effect that, before I could enter into a consideration of their claim upon the Italian Government, I should be glad to discuss with them a question of equitable damages to Mr. Watson Taylor for the wanton destruction of his property at Monte Cristo by persons on board their ship the *Orwell*.

After some discussion they waived the difficulty with regard to indemnifying Mr. Taylor, and asked me to communicate with him which I declined to do, observing that, as they by their ship had occasioned the damage, they were bound to make their overtures to Mr. Taylor.

Whether they did so or not I have no means of ascertaining. But if these gentlemen, their ship, or the persons on board her, had been in the service of the Sardinian Government, as is suggested by Mr. S. W. Taylor, they would not have consented to indemnify Mr. Watson Taylor, but would have thrown the responsibility on the Italian Government. But it is notorious that the *Orwell* was not in the service of, nor recognized by, the then Sardinian Government, nor were the persons on board her acting voluntarily in its behalf.

There remains but the question of the protection which Mr. Watson Taylor has a right, as a holder of real property in Italy under Italian law, to claim of the Italian Government for the future, and I have the honour in my further despatch of this day to report upon it.

Earl Russell.

JAMES HUDSON.

(*Inclosure 1.*)—*Opinion.*

Turin, le 10 Octobre, 1861.

PAR jugement du 3 Septembre, 1860, le Tribunal de Première Instance de Porto Ferrajo déclarait les contumaces Sieurs Georges Taylor et Victoria Taylor, demeurants dans l'île de Monte Cristo, coupables en commun de manifestations séditieuses et répétées, avec scandale public, ayant le 1 Mai, 1860, à la présence de la force armée déclaré qu'ils ne reconnaissaient pas le Gouvernement du Roi Victor Emmanuel, mais seulement celui de Leopold II; Georges Taylor en particulier d'avoir dans la même circonstance résisté à la force armée et mis la main sur le chef de poste de cette même force; la Victoire Taylor en particulier d'avoir dans les mêmes circonstances prononcé des paroles injurieuses contre le Roi Victor Emmanuel, disant qu'il était un marchand de bœuf et faisant des actes inconvenants, les adressant au Roi.

Le Tribunal les ayant retenu coupables des délits sus-indiqués les condamna, pour le premier chef en commun, à la peine de 6 mois de prison; le Sieur Georges Taylor en particulier, pour le

second chef, à d'autres 6 mois de prison ; et la Dame Taylor en particulier, pour le dernier chef, à 15 mois de prison, et tous les deux aux dépenses du procès.

Par Décret du 6 Janvier, 1861, le Roi Victor Emmanuel fit aux Sieurs Taylor grâce de la peine à laquelle ils avaient été condamnés.

Pour cause du procès les conjoints Taylor avaient abandonné l'île de Monte Cristo, et pendant leur absence cette île fut saccagée par une troupe débarquée d'un bâtiment avec pavillon Anglais.

Les Sieurs Taylor pensent que le procès et jugement du Tribunal de Porto Ferrajo sont injustes, non fondés sur la loi, mais uniquement le résultat d'intrigues concertées contre eux par quelques habitants de l'île de Monte Cristo ; que la peine est exorbitante ; que le Gouverneur-Général n'aurait jamais dû autoriser l'institution de ce procès sans préalables informations sérieuses ; qu'ayant dû abandonner l'île à cause du procès pour se soustraire à des affronts personnels ils ont droit d'être indemnisés par le Gouvernement Italien des dommages soufferts dans leur propriété.

L'on demande au Soussigné si les réclamations des Sieurs Taylor sont fondées en droit et en fait. .

Le Soussigné croit avant tout de poser en fait, que par plébiscite du 11 et 12 Mars, 1860, la Toscane s'est annexée à la Monarchie Constitutionnelle de Victor Emmanuel ;

Que ce plébiscite fut publié par la Cour Suprême de Cassation de Toscane le 15 du même mois de Mars, et il le fut aussi par le Gouvernement Provisoire le jour suivant, 16 ;

Que par Décret Royal du 22 du même mois le Roi Victor Emmanuel a déclaré que la Toscane faisait partie intégrante de l'Etat, et ce Décret, approuvé par le Parlement, fut converti en Loi le 15 Avril, 1860 ;

Que le 23 Mars le Roi nomma le Prince Carignan son Lieutenant-Général en Toscane, qui en prit possession le 29.

Cela posé en fait il faut encore admettre comme principes reconnus en droit des gens par toutes les nations civilisées, que lorsqu'un peuple devenu maître du territoire il constitue son pouvoir souverain, ce pouvoir s'étend sur toutes les parties du territoire et sur toutes les personnes qui l'habitent ; que les lois et usages des nations autorisent des poursuites criminelles contre tout étranger à raison des délits commis dans le territoire de l'Etat.

Les conjoints Taylor, habitants de l'île de Monte Cristo, dépendante de la Toscane, pouvaient-ils le 1 Mai ignorer que le Roi Victor Emmanuel avait été proclamé Roi de la Province de Toscane ? Non ; ils ne pouvaient pas l'ignorer, supposant même qu'ils n'eussent jamais lu les journaux ; qu'ils n'eussent eu aucun

rapport avec le continent Toscan ; la force armée avec laquelle ils avaient à faire le 1 Mai les avait instruits qu'elle représentait le Roi Victor Emmanuel.

Non, les Sieurs Taylor ne pouvaient pas ignorer le changement de Gouvernement, la souveraineté acquise par le Roi Victor Emmanuel.

Comme sujets Anglais, les Sieurs Taylor pouvaient-ils se refuser de reconnaître la souveraineté du Roi Victor Emmanuel ; d'en reconnaître la force armée qui se présentait au nom du Roi ; se soustraire aux lois du pays ? Non. Car, comme l'on a dit supérieurement, le pouvoir souverain s'étend sur tout le territoire et sur toutes les personnes qui l'habitent en raison des poursuites criminelles.

Si donc les conjoints Taylor ne pouvaient pas ignorer la souveraineté du Roi Victor sur l'île de Monte Cristo, s'ils ne pouvaient pas se soustraire aux lois pénales promulguées pour le territoire Toscan, il ne reste qu'à examiner si les faits dont ils furent accusés constituent effectivement un délit ; si la sentence du Tribunal de Porto Ferrajo est conforme aux lois, et si la peine prononcée est celle portée par le Code Pénal.

Les Articles LXXX, CIX, CXXIX, CXLIII du Code Pénal Toscan déclarent délits les faits dont furent inculpés les conjoints Taylor, et la peine pour ces délits est celle de la prison d'un mois à un an, de 6 mois à 4 ans, à la prudence des juges de la déterminer selon les circonstances, dans les limites établies par la loi.

Le tribunal n'a donc fait qu'appliquer la loi en appréciant les circonstances selon son criterium et après en avoir entendu les témoins.

La sentence du Tribunal de Porto Ferrajo contient toutes les formalités prescrites par le Code de Procédure Criminelle et elle ne pouvait pas être attaquée de nullité.

Mais les Sieurs Taylor observent que les faits dont on les a accusés sont erronnés ; que ce n'est que par esprit de malveillance et de vengeance que les témoins ont pu les assévérer ; qu'une déclaration passée par devant notaire le 3 Septembre, 1860, par 3 témoins prouve le contraire ; mais si les Messrs. Taylor pouvaient prouver leur innocence, ils auraient dû se défendre des accusations qu'on leur avait faites.

Le jugement étant en contumace, ils pouvaient même après ce jugement en demander la réparation ; le porter en appel en cas qu'il fût confirmé contradictoirement. Il était impossible de donner des preuves contraires à celles résultantes du procès que par le moyen de la comparution des Messrs. Taylor.

Le Tribunal de Porto Ferrajo aurait-il pu se refuser de procéder sur le verbal qui lui fut transmis par le chef-poste de la force armée

à Monte Cristo ; le Gouverneur-Général de la Toscane, le Roi lui-même, aurait-il pu faire suspendre le cours du procès ?

En Toscane le Gouvernement Provisoire avait proclamé le Statut Sarde dès le 20 Janvier, 1860, et selon la Constitution Sarde le pouvoir judiciaire est complètement indépendant du pouvoir exécutif.

Le Roi peut faire grâce, peut changer la peine, mais il ne peut pas faire suspendre le cours d'un procès, empêcher que les Tribunaux prononcent leur jugement.

Sur la plainte portée par la partie lésée, ou sur le verbal des officiers publics, ou de la force armée, les Tribunaux sont obligés d'instruire, et aucune autorité ne pourrait en empêcher le cours.

Si le chef-poste qui s'est trouvé le 1 Mai à Porto Ferrajo a dressé verbal de ce qui s'est passé, il n'y avait plus de moyen d'en arrêter le cours.

De tout ce que dessus, le Soussigné en conclut que les Messrs. Taylor n'ont aucun droit de se réclamer contre le jugement du Tribunal de Porto Ferrajo, mais que si ce jugement ne leur a pas été intimé personnellement, ils peuvent encore être entendus dans leur défense.

Dans ce cas ils doivent renoncer à la grâce que le Roi leur a accordée, et paraître par personne par devant le Tribunal ; le Soussigné cependant ne les conseillerait pas de tenter ce moyen, car les seuls témoins qu'ils auraient peut-être à produire sont leurs domestiques, dont le témoignage ne pourrait peut-être pas anéantir celui des agents de la force armée.

Sur la seconde demande relative aux dommages matériels faits dans l'île de Monte Cristo, il suffit d'observer que la troupe qui a débarqué en cette île, et qui en commit les dévastations, n'appartenait pas à l'armée d'Italie, ni à un corps de volontaires reconnus par le Gouvernement. Ils voyageaient en bateau couvert du pavillon Anglais ; ainsi les Messrs. Taylor inutilement s'adresseraient-ils au Gouvernement étranger à cette troupe.

Telle est l'opinion de

Avocat CHIAPUSSO.

(Inclosure 2.)—*Mr. Sernon to Consul Brown.*

SIR,

Genoa, August 26, 1861.

HAVING seen a letter in the "Movimento" of the 17th instant, from M. Settembrini to Lord Malmesbury, I think a line from me, being second officer of the steamer *Orwell*, and acquainted with all the facts from the time of the steamer's departure, August 21, 1860, till she was captured at Messina, would not be out of place.

The night we steamed from Genoa M. Pilotti gave me orders to weigh the anchor, which I did, and when ready to steam ahead, he

gave the order Turn ahead! to the chief engineer, who refused to obey any orders, except from Captain Sutton, who was not on board. By order of Pilotti, Settembrini, myself, and 4 men, proceeded to the engine-room, when Settembrini put a revolver to the head of the engineer, and told him if he did not obey his orders he must abide the consequences. Engineers and firemen had been shipped by Pilotti to work in the engine-room; they assisted the old engineers all the time till the capture. The steamer was taken forcible possession of by Pilotti and Settembrini, who mustered all hands on deck while on the way to Leghorn, and told them that they had taken possession of the steamer, and that any orders from them must be strictly obeyed; that their object was the capture of a Neapolitan ship of war; this, however, was never attempted. At Leghorn M. Pilotti left the ship in command of Settembrini, who took her to the island of Monte Cristo. On our arrival there, Settembrini was the first to go on shore, who was well received by the corporal and soldiers on the island. Soon after he returned on board, and sent me on shore with some men to obtain fresh water, which we did.

The next day I was ordered to take some men on shore and disarm the soldiers, which I did, and brought on board their 5 muskets, and a large quantity of ammunition, ball, and cartridge, &c. This order was given by Settembrini, he being afraid to trust the soldiers. After we had disarmed the men, Settembrini took half the crew on shore, and gave orders for the house to be searched, breaking open all doors which he found locked, also all the out-houses, stables, &c. In the afternoon of the same day I was sent on shore with men to shoot the bullock and bring it on board, with poultry, flour, potatoes, and all the firewood we could find, which amounted to about 5 or 6 cord, for which I believe no money was paid, there being very little on board.

The men always obeyed to the letter every order given by Settembrini, and their conduct was good throughout the voyage. The only thing the crew did was to bring some articles of furniture to the beach, which they thought would not be contrary to the wishes of Settembrini, he having taken them on shore for the express purpose of seeing what he could find worth taking. When steam was ready, and a signal made from the ship, all hands came on board, leaving everything on the beach, when we immediately freighted anchor and ran to sea for fear of being caught at the island, as on the previous evening a fishing-boat left there, as we supposed, to go away and report our presence there. We then proceeded to a small deserted island called Gianmetri, where we found a fishing-boat, the men of which gave us information as to the force and strength of the island of Giglio, and started for there.

the following morning, where I was ordered on shore to see if I could get water, which we obtained. On my return on board M. Settembrini went on shore in company with the Commandante di Piazza: from shore he soon afterwards hailed the ship for 12 armed men to be sent to him, and the remainder to be under arms to obey his further orders. The 12 men on shore were drawn up in line, and the people on shore seeing this, obeyed Settembrini's wish, and opened the magazine, from which was taken two barrels of gunpowder, and brought on board, and also one Sardinian flag. 3 of our men were left on shore at Giglio, who were charged with drunkenness and improper conduct; these were the quartermaster boatswain, and storekeeper—these were British subjects. We hoisted the Sardinian flag, and fired one gun, and steamed off for St. Martin's Rock, where we were to meet Captain Pilotti, and anchored there on the 27th, 3 miles from the rock; and in the evening I was sent with an armed boat's crew to meet Pilotti, and waited till 11 o'clock, which was one hour past my time. I came back and reported having seen 4 Neapolitan ships of war steaming towards us from Naples. Soon after my arrival on board we were boarded by a boat from one of them, asking who we were, and where from. We replied we were English, and on our way from there to Messina, where we arrived at 10:30 P.M. on the 28th, and at 11 P.M. the British Consul, with the Commander of the *Scylla*, came on board, and took on shore all the ship's papers, and none of us were allowed to go on shore. On the 31st Captain Pilotti arrived, and took charge of the ship, who was ordered to Naples to present himself to Admiral Mundy, who made prisoners of us all, and sent us to Messina, Pilotti and Settembrini having been sent to Malta.

The foregoing is a true statement of the *Orwell* affair from her departure here to her arrival and capture.

— *Brown, Esq.*

E. N. SERNON, *Second Lieutenant.*

No. 23.—*Sir J. Hudson to Earl Russell.*—(Received November 6.)
 MY LORD, Turin, November 1, 1861.

WITH reference to your Lordship's despatch of the 19th of August, upon the case of Mr. Watson Taylor, I have the honour to report that I have brought that case and the terms of your Lordship's despatch fully before Baron Ricasoli, who said that, had the process been other than one filed and carried on under the provisions of the criminal code, it would have been dismissed, for Government never would have commenced it; but being a process at criminal law, all interference on the part of the Government was impossible.

The Government had recommended, at the earliest moment, Mr. Taylor to the Royal clemency, and a free pardon had been granted.

With regard to damages, he had no hesitation in declaring that the British subjects on board the British steamer *Orwell*, who plundered Mr. Taylor's house at Monte Christo, never had been under the pay or control, or in any way connected with, the then Sardinian Government.

He had no hesitation in desiring me to communicate to your Lordship the determination of the Italian Government to grant the fullest protection to Mr. Taylor and all other of Her Majesty's subjects residing in the King's dominions. It was his duty and his desire to do so; and as an earnest of his intentions, and particularly to show his sense of recent proceedings in Mr. Taylor's case, he would see that the costs to which Mr. Taylor had rendered himself liable on trial should be at once discharged, so that no impediment whatever might be opposed to his resuming his residence at Monte Christo if it so pleased him.

I have, &c.

Earl Russell.

JAMES HUDSON.

No. 24.—Mr. Hammond to Mr. S. W. Taylor.

SIR,

Foreign Office, December 3, 1861.

I AM directed by Earl Russell to inform you that, after a full consideration of Mr. George Watson Taylor's complaints against the Government of Italy, and after having taken the opinion of an Italian advocate, as well as of the Law Adviser of the Crown upon the subject, his Lordship has come to the conclusion that Her Majesty's Government cannot interfere any further on behalf of your brother.

It appears to be proved that all the legal proceedings taken against Mr. and Mrs. G. Watson Taylor were strictly according to the laws of the country, and that the Government had no power whatever to interfere with the course of justice, but that, at the earliest moment possible, the King was recommended to grant, and did grant, a free pardon.

As regards the damage done to your brother's property on the island of Monte Cristo by the crew of the *Orwell*, Baron Ricasoli repudiates any responsibility on the part of King Victor Emmanuel's Government, past or present, in regard to that transaction; for he denies that the persons who committed the outrage ever were in the pay, or under the control of, or in any way connected with, the then Sardinian Government. But Baron Ricasoli has requested Sir James Hudson to express to Earl Russell the determination of the Italian Government to grant the fullest protection to Mr. G. Watson Taylor, as well as to all other British subjects residing in the dominions of King Victor Emmanuel; and added that he should, as a proof of his intentions, and to mark his sense of the proceedings

in Mr. Taylor's case, have the costs discharged to which Mr. Taylor had become liable on the trial, so that there might be no impediment to his resuming his residence at Monte Cristo, if he should desire to do so.

S. W. Taylor, Esq.

I am, &c.

E. HAMMOND.

No. 25.—Earl Russell to Sir J. Hudson.

SIR,

Foreign Office, December 9, 1861.

HER Majesty's Advocate-General does not consider that Her Majesty's Government would be justified in taking any further steps in Mr. Watson Taylor's case.

The explanations and assurances given by Baron Ricasoli, as reported in your despatch of the 1st ultimo, appear to Her Majesty's Government to be of a nature to bring the question to a satisfactory termination.

I am, &c.

Sir J. Hudson.

RUSSELL.

RESOLUTIONS, &c. of the German Diet, relative to Demands made on the King of Denmark.—1858—1861.

No. 1.—Resolution of the Diet with regard to Holstein and Lauenburg, February 11, 1858.
(Translation.)

THE Diet at Frankfort came to a resolution on the 11th of this month (February, 1858) upon the propositions of the Committee in the Holstein-Lauenburg affairs, and has thereby declared:

1. That the Constitution of the two Duchies is not constitutionally effective;
2. That the Duchies do not occupy a position of equality and independence as regards the Danish portions of the country;
3. That the Constitution for the common affairs of the Monarchy is not in harmony with the fundamental principles of the Federal Law.

On this account a demand has been made on the part of the Confederation upon the Danish Government to bring about a state of affairs in the Duchies which shall secure the independence of their special Constitution, the administration of the same, and their equal rights. The Diet expects to be informed as soon as possible of the measures adopted or contemplated for this object. The proposition of Hanover of the 4th instant that the Danish Government should be immediately required to bring into operation no new laws or measures, and to impose no new taxes in the Duchies before carrying out the principal resolution of the Diet, does not appear to

have been as yet accepted, because it is in reality implied in the chief resolution, and it is probably not expected that Denmark will treat the Confederation with such great disregard. When the former Danish Minister, Von Scheele, in the sitting of the Diet on the 3rd comforted his friends with the prospect of the affair being handed over to a court of arbitration (*Austrägal-Instanz*) after the resolution come to upon the report of the Commission, his Excellency was, as we see, very much mistaken. The resolution of the Diet simply demands the abrogation of the measures which have been carried out contrary to Treaty; and even should the Danish Government propose a court of arbitration, it cannot be made applicable to existing circumstances. The Federal Power exercises its judicial functions: (1) in law controversies between members of the Confederation; (2) in constitutional disputes between Governments and Estates; (3) in claims of mediatised Powers; (4) in the case when the demands of private persons cannot be satisfied, because the obligation to give satisfaction is doubtful or contested among several members of the Confederation. It is only in the first and last case, according to Article XI of the Act of the Confederation, and Articles XXI to XXIV and XXX of the Vienna Act, that the decision by a court of arbitration is admissible. In the case before us, the question is as little about law controversies between members of the Confederation as about the demands of private persons. The Confederation as such, by virtue of its judicial authority, demands of Denmark the execution of its resolutions. Neither does the court of arbitration, from its organization, answer to the exigencies of the case. According to that proceeding, the Confederation first attempts to mediate through two or three of its *Envoys* between the contending parties; if this does not succeed, the defendant has within 4 to 6 weeks to propose 3 impartial members of the Confederation who possess in their territories a Court of Third Appeal, to the plaintiff, who chooses a court from among them. This court decides the disputed question in the name of the Diet, and the decision is of legal force on its declaration. The extraordinary legal means for restitution on account of fresh discovered facts and evidence can be applied within 4 years after the discovery of the intelligence. The Executive of the Confederation provides for the carrying out of the sentence in case of refusal. On the other hand, the Diet alone has the right to interpret the Federal laws and resolutions, so that its decision cannot be called in question by any higher Court of Appeal, which in fact does not exist. Who, then, could decide in the dispute between the Confederation and Denmark, when the illegality of the proceedings against the Duchies is by no means brought into question by the Confederation? Besides, we have here no simple question of right, but a political

matter: as the Confederation demands the execution of the international promises of Denmark, no court can decide according to the formal principles of justice. A court of arbitration for disputes of this kind is a hope for the future. We are therefore strongly of opinion, as regards the views of Herr v. Scheele, that under existing circumstances there will be no huddling up of this affair by an arbitration court.

No more is the Federal Court established by Resolution of the Diet of 30 October, 1834, adapted for the settlement of the disputed question. It is true it decides in constitutional disputes between Governments and Estates, but only when the Governments concerned give their consent. The Estates as such alone have not the right of proposing a court of arbitration. If even the Holstein and Lauenburg Estates had made a complaint to the Confederation, this affair could only be submitted to a court of arbitration upon the proposition of the Danish Government. That this will take place is scarcely credible, and if such a proposition were made, the question then arises whether the Confederation would accede to it after having unanimously asserted its judicial authority in this political question. Special importance must be attached to this unanimity, because the Confederation has thereby exhibited itself to foreign countries as a united body, able to repel with decision every unauthorized intervention.

No. 2.—Report of the Joint Committee on Danish Affairs, July 29, 1858.

[Adopted by the Diet, August 12, 1858.]

(Extract.)

(Translation.)

MAY please the High Diet to resolve:

1. To announce to the Government of Denmark and the Duchies of Holstein and Lauenburg, that the communication of the 15th of July of this year cannot be regarded as a sufficient fulfilment of the Resolution of the Diet of the 20th of May of the foregoing year, and of the Federal obligations on which this Resolution, together with that of the 11th of February last are founded.

2. Consequently to require the Royal-Ducal Government, in accordance with Article III of the Execution-order of the 3rd of August, 1820, within a period of 3 weeks:

(1). To declare more precisely whether the Constitutional Laws for the common affairs of the Danish Monarchy of the 2nd of October, 1855, and the Royal Proclamation of the 16th of October, 1855, respecting the formation of a Ministry for the common affairs of the Monarchy, and that of the 23rd of June, respecting a clearer settlement of the special affairs of the Duchy of Holstein, as also the sections 1 to 6 of the Ordinance of the 11th of June, 1854, [1860-61. LI.]

respecting the Constitution of the Duchy of Holstein, cease to apply to the said Duchy, and respectively to the Duchy of Lauenburg;

(2.) To make such communications through the organ of the United Committees, whose confidential sittings the Envoy to the Diet from the Royal-Ducal Government will for this purpose be invited to attend, as shall be in accordance with the Resolution of the 20th of May last year (No. 1), and secure the carrying out of the Resolutions of the 11th and 15th of February last year.

3. To authorize the United Committees to receive and immediately examine the expected communication of the Royal Danish Envoy to the Diet for Holstein and Lauenburg. And

4. To invite this Envoy to communicate the preceding Resolutions to his Government.

A member of the Committee appointed for the question of the Constitution of the Duchies of Holstein and Lauenburg, though he was of opinion that the further consideration of the question should go to the Commission of Execution, could not, on the other hand, agree with the wording of the Report, nor with the estimate therein made of the Declaration of the Deputy for Holstein and Lauenburg of 15th July last year, because, in his judgment, no concession or step towards fulfilling the Resolutions of the Diet now before them was to be perceived in that Declaration.

On account of the urgency of the affair, and because the above-mentioned Deputy is not entitled to place his individual views before the high Assembly at any time, the majority of the Commission appointed on the 29th October last was unwilling to accede to the delay of 8 days which had been moved for; and the Execution Commission also was reluctant to delay any longer the bringing forward of their motions.

No. 3.—Report of the Committee on the Danish Duchies Question, Frankfort, February 19, 1860.

[Adopted by the Diet, March 8, 1860.]

“DANS sa séance d’hier, la Diète Germanique s’est occupée de l’affaire des Duchés de Holstein-Lauenbourg et de la publication des Protocoles des séances. Voici le résultat de cette délibération d’après le Protocole officiel.

“Dans l’affaire des Duchés, les Comités réunis ont proposé à la Haute Diète :

“1. D’annoncer, par la voie de l’Ambassadeur Royal Danois pour les Duchés, au Gouvernement Royal, que la Diète ;

“(A.) Trouve que le Gouvernement Danois, par ses derniers actes vis-à-vis des Duchés de Holstein-Lauenbourg, principalement par les propositions faites aux Etats des dits Duchés, et par le rejet

pur et simple des propositions des Etats, a manqué aux obligations que la Résolution de la Diète du 11 Février, 1858, § 2, litt. A et B, a imposées au Gouvernement Danois, et que ces obligations doivent être accomplies dans le plus bref délai ; mais que pourtant la Diète ;

“(B.) Par égard pour les explications du Gouvernement Royal données dans la note de l'Ambassadeur Royal du 2 Novembre, 1859, ajournera encore l'Exécution sommaire résolue le 12 Août, 1858 ;

“La Diète joint à cette déclaration,

“(c.) La condition que, jusqu'à ce que l'état légal constitutionnel soit définitivement établi, comme il a été promis en 1851 et 1852 ;

“(1.) La déclaration Royale du 28 Janvier, 1858, soit strictement maintenue dans toutes les affaires qui concerneront les intérêts généraux et spéciaux des Duchés ; que

“(2.) Pour le maintien du droit de ces provinces appartenant à la Confédération, toutes les propositions de lois qui seront soumises au Conseil Suprême Danois soient en même temps soumises aux Etats, et qu'aucune loi, principalement en matière de finances, ne soit promulguée dans les Duchés, tant qu'elle n'aura pas reçu l'assentiment des Etats, la Diète ne reconnaissant aucune valeur légale à des Ordonnances rendues en contradiction avec cette règle.

“2. Quant à la déclaration du Gouvernement Royal de vouloir convoquer une Assemblée de Délégués pour la consulter sur une constitution générale et définitive, la Diète n'y trouve rien à opposer sous la condition que,

“(A.) Ces délégués soient envoyés par les représentations légales spéciales de toutes les parties du Royaume, et qu'ils délibèrent sur la base fournie par les déclarations de 1851 et 1852 ;

“(B.) Que ces délibérations aient lieu le plus tôt possible pour amener enfin un état légal dans les Duchés ; et que

“(c.) Les délibérations de ces délégués ne portent aucun préjudice aux droits des Etats des Duchés.

“Toutes ces propositions seront sans doute acceptées. Le vote aura lieu le 8 ou le 12 Mars.”

No. 4.—Proceedings in the Diet in the matter of the Danish Duchies.

[Adopted by the Diet, February 7, 1861.]

(Translation.)

Documents concerning the Constitution of the Duchies of Holstein and Lauenburg.

Denmark for Holstein and Lauenburg.

THE Ambassador, by order of his Government, gave his vote with the following statement :

When the German Diet passed a resolution conformably with the motion made by the United Committees, on the 18th of February, 1860, His Majesty's Government thought they might confidently anticipate, despite the tenor of the said Resolution, that it would not call forth any fresh difficulties. His Majesty's Government must still adhere to the conviction that the demands made are not justified by the historical and equitable bearings of the case, seeing that, on the one hand, the Constitution of the Holstein Provincial Estates confers upon the said Estates the right of decision only in respect of any new imposition of taxes, but no participation in, and still less a decisive vote upon, the application of even the special income and resources; whilst, on the other hand, the Royal Proclamation of 28th January, 1852, promises the right of decision to the Holstein Provincial Estates only in such matters as, agreeably with the regulations contained in the said Royal Proclamation, should belong to the Provinces in question as their special concerns, and therefore not affairs of common interest. Just as little could His Majesty's Government entertain a doubt that a grant to the Holstein Provincial Estates of a general determinative voice in matters of common concern, defined by no ulterior guarantees, would prove in practice a dead letter. But, on the other hand, the object desired to be obtained by that Resolution appeared to be to secure the Duchies of Holstein and Lauenburg from the influence apprehended from the Council of the Empire (Reichsrath) existing for the other parts of the Monarchy; the demand based thereon was to the effect that any projects of law that should thenceforth be placed before the Council should also be presented to the Holstein Estates, an eventuality which could only arise when a meeting of the Council should be again convened.

In exact conformity with this character of an eventual protestation or prohibition respectively, the Resolution of the Diet had not insisted upon an immediate recognition on the part of His Majesty's Government, still less had it fixed any definite period within which such a declaration should be made.

As meanwhile, in accordance with the existing Constitution, the Council of the Empire would not be again convened until after the lapse of two years, His Majesty's Government considered themselves justified in entertaining the hope that their incessant efforts, free from all impediments on the part of the Diet, would succeed in the course of this interval in the definitive settlement of the relations of Holstein to the monarchy at large, by the aid of a newly-elected Assembly of Estates, and that thereby the great difficulties attendant upon a provisional arrangement would be satisfactorily obviated.

With the greater regret, therefore, have His Majesty's Government perceived by the motions in question how, departing from the

course hitherto pursued, and giving to the Resolution of the 8th of March a new and unexpected scope, without the assignment of any cause, an immediate and express recognition is demanded from His Majesty's Government; these motions they consider themselves the less in a position to accede to, seeing that the demands involved in the said Resolution have received an interpretation that would render any administration or government in accordance with existing laws and prescriptions utterly impossible.

Should the United Committees have sought occasion for this proceeding in the motion once brought forward by the Government of the Grand Duchy of Oldenburg, His Majesty's Government must first of all refer back to their exposition of the actual status in their note presented to the Diet on the 10th of September last. It is therein shown how the budget for the Duchies of Holstein and Lauenburg, as inserted in the Legal and Ministerial Gazette of the 3rd July, 1860, is a simple repetition and putting together of financial statements formerly adopted, seeing that, in so far as Holstein is concerned, by Royal Patent of 25th September, 1859, independently of any foreign influence, and exclusively by a sovereign decision of His Majesty the King, long before the Resolution of the 8th of March, and consequently at a period when the Diet had not yet laid claim to any competence in respect of the common finances, the share of Holstein in the general income and expenditure for the biennial financial period of 1860 to 1862 had already been fixed.

Any objection, therefore, to the so-called State-Budget of 3rd July, 1860, would be an objection to the Royal Patent of the 25th September, 1859, which, however, even from the point of view assumed in the Resolution of the 8th of March, could seek a foundation only by attributing a retrospective force to that Resolution. But such an interpretation of the said Resolution would not only be incompatible with the most indubitable sovereign rights of His Majesty the King, but also, as above urged, be in direct contradiction to the tenor of the said Resolution, the object of which was simply to set forth a stipulation deemed desirable by the German Diet for the further procedure of His Majesty's Government, therefore for the future; a stipulation, moreover, avowedly acknowledged, in every statement, to be a new one. If, in order, to a certain extent, to explain this contradiction, it has been remarked in the Report of the Committee (sub III), that the said patent was at the time unknown to the Diet, and could not therefore have been alluded to in the Resolution, it must be mentioned that the note of the Danish Ambassador of the 2nd of November, 1859 (printed on page 78 of last year's Protocol), had already stated word for word as follows:

"His Majesty has thus already fixed, by a Royal Resolution, the budget of the Duchy of Holstein, in so far as the general concerns of the monarchy are affected, for the ensuing financial period, within the specified guarantees."

And in the statement made at the sitting of the 8th of March, prior to the passing of the Resolution (page 168 of last year's Protocol), it was thus expressly said and announced :

"Therefore, as His Majesty also during the last meeting of the Council of the Empire, ensured the independence of the Duchies of Holstein and Lauenburg in respect of the Resolutions of the Council, so the budget for the Duchy of Holstein was already fixed for the ensuing biennial financial period by a special Royal Resolution, prior to the opening of the same, in so far as it affects the common concerns of the monarchy."

In the face of this repeated and complete statement of the case in point, and upon which, at present, so great a stress is laid, His Majesty's Government can the less admit that the Diet has been left uninformed of the law containing that determination seeing that the patent was published forthwith as such, and precisely in such a way that the Diet, if it wanted occasion for passing a Resolution on the so-called State Budget of the 3rd July, 1860, would have derived it therefrom.

If the motion in question makes mention of the supposed rights of the Duchy of Lauenburg as regards this State Budget, it must be remarked in conclusion that, on the one hand, for Lauenburg also the needful Ordinances had been issued by Royal Patent of 25th September, 1859; on the other hand, that the special financial position of that province is of so peculiar a nature, that the setting before them of the general budget would not be of the slightest interest to the Lauenburg Estates, so that they have never expressed such a wish, either in the representation addressed to the Diet, or to His Majesty's Government.

In case His Majesty's Government should not feel themselves in a position to comply with the requirements of the two first points of the motion in question, the united Committees have proposed that the procedure entered upon in compliance with the Resolution of 12th August, 1858, be once more adopted.

The execution proceedings initiated by the Resolution of the Diet of 12th August, 1858, were, as was then insisted upon by the Danish Ambassador (page 995 of the Protocols), scarcely formally justified by the legislation of the Confederation, which affords no ground for the self-determined combination of the Commission of Execution with a Committee appointed for the management of a special matter, nor yet for the right to set the said Commission in action without a formal resolution of the Diet, and without repeated

investigation into the state of the case. For these reasons alone His Majesty's Government would be obliged to enter a protest against connecting that former initiation with proceedings upon this basis. But thereto must be added the far weightier consideration, that the Resolution of 12th August, 1858, clearly contemplated the execution proceedings upon totally different premises, and for a totally different object from such as would accompany their present resumption. At that time the various constitutional provisions in the Duchies of Holstein and Lauenburg objected to by the Diet were still maintained in force by His Majesty's Government, and the object of the Resolutions was to effect the abrogation of those provisions. This object was soon after completely attained by the publication of the Royal Patent of 6th November of the same year; and should proceedings in execution be again entered upon under such entirely altered circumstances, those proceedings would not only have to commence with the first stage as prescribed by the regulations as to executions, but they must also state, and define the limits of, that demand alone, which the Diet resting upon the Federal laws makes the object of the execution and the purport of the ultimatum.

Hence, in the present state of affairs, His Majesty's Government could regard executionary measures on the part of the Confederation only as a proceeding not in conformity with its constitution, and consequently as beyond the competence of the Diet.

The sole object of such a proceeding now could only be to bring about a new and final arrangement of the relation of Holstein and Lauenburg towards the monarchy at large. But, on the one hand, this task is not facilitated for His Majesty's Government, inasmuch as the Diet, which objected to those provisions of the Constitution that have been abrogated, on the score that such provisions in their opinion infringed upon the parity of rights and the independence of the two Duchies, have not yet precisely defined these general ideas, liable as they are to such diversified interpretation. On the other hand, the question is not simply of what concerns Holstein and Lauenburg, but of the position of these Duchies in and with regard to the entire monarchy, in so far, therefore, of its constitutional affairs in general, and in this respect, as a matter of course, the settlement of these questions no longer lies within the legal competence of the Confederation.

Under these circumstances, His Majesty's Government had a right to expect that the Diet, which, moreover, can have found no special cause for intervention in respect of Holstein, either on any application from the Holstein Estates, or in the undertaking of a particular guarantee (*vide* Final Act of Vienna Article LXI), would have granted the time needful for the solution of this difficult

problem. The more so, seeing that a further proceeding on the part of the Confederation in the path entered upon, unforeseen as it has been by His Majesty's Government, renders a normal solution next to impossible; and His Majesty's Government, to their very great regret, cannot but recognize therein, not alone a violation of the former resolutions, but also of the spirit and letter of the fundamental laws and Treaties binding upon all the members of the Confederation, and above all an infringement of the rights secured to His Majesty the King by those very laws and Treaties.

In consequence hereof, the Ambassador has been charged by his Government to record his vote against the motion in question, and referring to preceding statements and protestations, once more to enter a solemn protest against the same, in behalf of the sovereign rights of the King his most gracious master.

The Netherlands for Luxemburg and Limburg.

The same reasons which precluded the King-Grand-Duke from voting in favour of the motions, whereon a division took place at the 27th sitting, of 12th August, 1858, equally prevent His Majesty in the present instance from acceding to the motion of the United Committees under consideration, exclusively directed to the resumption of the proceedings then initiated. His Majesty cannot arrive at the conviction that the Diet has a right to pass resolutions or to make motions so seriously encroaching upon the constitutional and administrative concerns of the Duchies of Holstein and Lauenburg; resolutions in compliance with which even financial laws actually promulgated are to be declared null and void.

His Majesty, on the contrary, entertains the firm conviction that those concerns can be settled only in the way of accommodation, and that in the course they have taken since the participation of the Commission of Execution in the deliberations of the Holstein-Lauenburg Committee, they cannot arrive at a successful issue.

Even though the Royal-Ducal Government has made certain promises as to the position which is to be secured to the two Duchies in the general Constitution of the Danish Monarchy, it does not, in the judgment of the Dutch Government, lie in the province of the German Diet to make a one-sided settlement of the nature of that position, or to introduce it by force.

But an essentially conciliatory course seems requisite herein, and a meeting of Plenipotentiaries from the parties interested, with a view to attempt an accommodation, would be at once judicious and to the purpose.

In this respect it has not escaped the observation of His Majesty the King-Grand-Duke, that the Holstein Estates have not for a long while applied direct to the Confederation, so that there is no state-

ment of grievances or formal motion of any sort whatever on the part of the Estates themselves before the Diet, nor is there any evidence that advances of a conciliatory character have been made on the part of the Estates towards the Sovereign of the Danish Monarchy.

Such being the case, His Majesty cannot be induced to yield his assent to motions which, under existing circumstances, he is convinced could only lead to dubious and critical consequences, with regard to the internal and external relations of the German Confederation.

His Majesty the rather deems it incumbent upon him, in his position in the Confederation, to express at once his view and his desire, that during and even beyond the proposed 6 weeks interim, endeavours to effect a reconciliation should be made in the manner above suggested.

His Majesty is perfectly assured, that with the present rapid progress of events, neither party will deem too rigid a persistency in presumed prescriptive rights advisable, but rather that both will be inclined to avoid by conciliatory steps serious, or at all events deeply to be deplored conflicts, between the Confederation and one of its most important members.

The Ambassador, in conclusion, is directed to declare that his Government cannot undertake any responsibility for the consequences of the proposed resolutions.

CORRESPONDENCE between Great Britain, Austria, Bavaria, Denmark, France, Germanic Confederation, Hamburg, Hanover, Prussia, Saxony, and Sweden, respecting the Affairs of the Duchies of Schleswig and Holstein.—1861.*

[Continued from Vol. L. Page 1172.]

No. 96.—*Mr. Murray to Lord J. Russell.*—(Received January 14.)
MY LORD, Dresden, January 11, 1861.

I HAVE the honour to transmit herewith, for your Lordship's information, the translation of M. de Beust's speech on the Holstein question in the Saxon Chambers on the 7th instant.

Cd.
Lo.^d J. Russellat

I have, &c.

CH. A. MURRAY.

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* Laid before Parliament, 1861.

(*Inclosure.*)—*Speech of Baron de Beust in the Saxon Chambers,*
(Translation.) *January 7, 1861.*

THE more I consider myself justified in taking for granted that the proposal we have just listened to meets with unanimous and undivided applause in this august assembly, the less do I think it right to leave it a doubtful matter that the proposal represents, in its most material points, the views and intentions of the Government, which need not hesitate therefore, to declare its thorough acquiescence in the line of conduct approved by this House.

It is well known that the Confederation must very soon come to some definite resolution in the matter, because, in consequence of the notorious proposal of the Government of Oldenburg, to which the Proclamation of the Danish Government, at variance as it was with the last resolution of the Confederation of the 8th of March of last year, had given occasion, the report of the United Committees is shortly to be looked for.

The Prussian Government has, in a way for which we have reason to be grateful, according to previous arrangement and in concert with Austria, given increased force to the consultations of these Committees. The disclosures which she has made on these points to the German Governments have met with universal approbation and countenance, and it is therefore scarcely a matter of doubt that the report of the Committees will be framed in the same spirit, and the resolution be of a corresponding nature. It is likewise, therefore, to be anticipated that the Prussian Government, which especially takes the lead in this question, will know how to give equal force to the resolution to be taken. If the same Government, without letting any injury accrue to the steady pursuit of the end to be aimed at, takes the lead, not without conscientious weighing and consideration of all the concomitant circumstances, such a line of conduct merits not only justification but approbation, and the idea of a reproof is therefore certainly present to no German Government, and this would indeed be most unjust when coming from the people of Germany.

I must, nevertheless, throw particular emphasis on the point that the difficulties which have to be overcome, the doubts to be suppressed, the contests to be fought out—that all this lies entirely out of Germany, not in Germany; the constitution of the Confederation, whatever may be its defects, has never been an impediment in this question, and is not so at present; and that Prussia may be certain of seeing all the other German Governments on her side in this question, not only in the sense that they are ready to vote with her, but also ready to act with her, and, ~~if necessary~~, to go into the field with her. I do not scruple to declare, ~~in the name~~ of the Government of this country, and am convinced that I shall

expose myself to no refutation if I assert the same of every Government in Germany.

No. 98.—*Mr. Paget to Lord J. Russell.*—(Received January 16.)
MY LORD, Copenhagen, January 11, 1861.

I HAVE the honour to transmit to your Lordship translations of two Decrees, bearing date the 9th instant, relative to certain changes in the laws of Confirmation and Education in the Mixed districts of the Duchy of Schleswig. Their purport may be shortly stated as follows:

The first Decree relates to Confirmation, which is divided into two parts—the one religious, the other civil.

The religious ceremony may be performed in the language chosen by the parents of the person to be confirmed. Up to this time the ceremony had to be performed in Danish.

As the religious, as well as general, instruction in the schools of the mixed districts is given in Danish, the examination preliminary to the religious ceremony will take place as heretofore in that language; but should the parents object to this, they will be free to take their children to another parish (where the language of the School is German), and have them religiously instructed and examined in German, and then bring them to their own parish for confirmation. This has hitherto been forbidden, except where special permission was granted.

The second Decree empowers persons to choose private instructors for their children without reference to the authorities of the parish, and to have them instructed in the language of their own choice, subject only to the condition that both the instructors and instructed should, on being required, submit to examination in the language they have chosen, at Special and General Church Visitations.

As I hope to have an opportunity of addressing your Lordship next week by the messenger, I do not think it necessary to add anything further by the post to-day.

I have, &c.

Lord J. Russell.

A. PAGET.

(Inclosure.)—*Royal Patent concerning Confirmation of Candidates in Schleswig.*

(Translation.) Copenhagen, January 9, 1861.

HIS Majesty has been graciously pleased, by a resolution of the 4th instant, to decree the following regulations for the Confirmation of Catechumens:

I. The regulations contained in the Patent of August, 12, 1820, whereby the appointed public examination of candidates for confirmation is to take place on the day of confirmation and previous

to the confirmation, are annulled ; and the two acts shall henceforth be distinct, and shall take place on different days.

2. Whilst that language which in each place is the language of public education is still to be used for the instruction and examination of candidates for confirmation, as regards the acts of confirmation there shall be applied those regulations for religious acts which were laid down (February 15, 1854) in Annex A with reference to the Decrees concerning the Constitution of the Duchy of Schleswig.

3. The Circular published by the former Schleswig Upper Consistory at Gotthorp, February, 25, 1831, whereby the regulations relative to confirmation of children out of their own parish were enforced and more clearly defined, is annulled ; and it will henceforth, consequently, be open to every one to let his children be confirmed out of the parish without requiring a permit from the clergyman of his parish.

The above is published for the information and instruction of those concerned.

Given at the Ministry for the Duchy of Schleswig, Copenhagen, January 9, 1861.

WOLFHAGEN.

Circular to all the Church Visitors in the Duchy of Schleswig.

*Ministry for the Duchy of Schleswig,
Copenhagen, January 9, 1861.*

HAVING received the desired information (January 21 and March 21 of last year) relative to the procedure respecting the exercise of the control devolving on Church Visitors and School Inspectors in the choice of tutors at home, and the instruction given by them, the Ministry sees fit to lay down the following rules for the regulation of these matters :

1. It shall for the future, as hitherto, be free to every family to allow its children to be instructed by teachers at home. The language of instruction used in this home education depends entirely on the parties concerned.

2. The children, for whose instruction suitable care is taken, are furthermore, as hitherto, exempt from attending the public school. The parties concerned have only previously to make the necessary announcements to the District School Inspector and schoolmaster, who will make a note of it on the School Lists.

3. Those who let their children be educated at home by tutors are obliged, on requiry, to allow these tutors, as well as the children, to meet for examination at the Special and General Church Visitations.

The language which has been adopted by the parties concerned as the language of education is to be used also at the examination.

4. If the tutors and children, on being summoned, abstain from appearing at the examination, without showing any insurmountable obstacle to their so doing, or if they are not considered to possess the same degree of knowledge and proficiency in the prescribed subjects as children of the same age on an average obtain in the school, their exemption from attendance at the public school ceases, and they cannot again, without special permission, be taken from school to be educated at home.

The above is communicated for the information and instruction of parties concerned.

WOLFHAGEN.

No. 99.—Earl Cowley to Lord J. Russell.—(Received January 18.)
MY LORD, *Paris, January 17, 1861.*

I HAD some conversation a day or two ago with M. Thouvenel respecting the proceedings of the Diet at Frankfort with reference to the military occupation of the Duchies of Holstein and Lauenburg.

M. Thouvenel expressed himself as of the opinion that this was a matter which regarded the internal constitution of the Germanic Confederation alone, but he seemed to be under the impression that before a Federal execution could take place, the Dukes of Holstein and Lauenburg must receive 3 several summons to conform to the resolutions of the Diet.

I have, &c.

Lord J. Russell.

COWLEY.

No. 100.—Lord J. Russell to Earl Cowley.

MY LORD, *Foreign Office, January 19, 1861.*

I HAVE received your Excellency's despatch of the 17th instant, reporting the substance of a conversation which you had had with M. Thouvenel respecting the proceedings of the Diet at Frankfort in regard to the military occupation of the Duchies of Holstein and Lauenburg, and I have to state to your Excellency that Her Majesty's Government agree with M. Thouvenel in the opinions which he has expressed on this subject.

I am, &c.

Earl Cowley.

J. RUSSELL.

No. 107.—Mr. Paget to Lord J. Russell.—(Received January 25.)
MY LORD, *Copenhagen, January 19, 1861.*

M. HALL having to attend the Folkething is unable to receive me to-day. I understand, however, from M. Vedel, the Under-Secretary for Foreign Affairs, that the Government have received

no advices from Frankfort relative to the proceedings in the Diet the day before yesterday.

The Prussian Minister has, however, received a despatch stating that the Report of the United Committee had been presented to the Diet. The tenor of the Report is that the Danish Patent of September 25, 1859, and Finance Law of 1860, being illegal, because they were issued without the consent of the Holstein States, Denmark should be required to adhere to the resolution of the Diet of March 8, 1860.

If the report is adopted, 6 weeks will be allowed to Denmark to reply.

The version taken from the Danish papers, which I sent to your Lordship last night, is different, it being therein stated that the vote had taken place, and the inference to be drawn naturally was that Denmark had only 6 weeks, from the 17th instant, to decide.

I have, &c.

Lord J. Russell.

A. PAGET.

No. 108.—Mr. Ward to Lord J. Russell.—(Received January 25.)
 MY LORD, *Hamburgh, January 23, 1861.*

DURING the last fortnight the prevailing excitement in Holstein has been increased by the publication of the proceedings of the Federal Diet on the 17th instant, which render the appearance of an army of execution in the Duchy more likely than ever, and by the intelligence of the active preparations for war now making at Copenhagen.

The recommendation of the Federal Committee to the Diet to enforce the resolution of the 8th of March, 1860,* leaves little doubt that the Federal body will not allow itself to be much longer trifled with; and although an impression is prevalent that Denmark will, at the last moment, make some apparent concessions as a pretext for delay, it seems impossible for the Germanic body to recede upon the question of principle, for the real point at issue is not so much whether Holstein shall, in the current year, contribute 100,000 dollars more or less to the general wants of the Monarchy, but whether the States of the Duchy shall, or not, have a decisive voice as regards their own finances, and the management of their internal affairs.

An incident has occurred of a nature calculated to increase the unpopularity of the Government, and to add to the uneasiness of men's minds in the Duchy. The Danish Minister for Holstein and Lauenburg has, by an Ordinance dated the 16th of January instant suppressed the German National Society, and prohibited its meetings within both Duchies, on the ground that at a meeting of the

* Page 802.

Society, held at Kiel on the 13th preceding, it had been unanimously resolved to agitate, not only for the closest accession to Centralized Germany, but for the restoration of the union between the Duchies of Schleswig and Holstein.

It appears that the German National Society (which has been working for the last two years in most of the German States for national unity, and the establishment of a central power under Prussia instead of the Federal Diet) has a branch also in Holstein, and that its members have taken the opportunity of the present political conjuncture to raise the demand for a revival of the ancient connection between the two Duchies. They have insisted also upon various reforms applicable to their internal condition, such as a revision of the Electoral Law, the cessation of all arbitrary acts of power on the part of the Administration, the liberty of the press, and the restoration to the inhabitants of the right of petition and of public meetings, declaring, however, at the same time, that these reforms would be worthless without national independence, and the complete political union of the Duchies.

The reformers in Holstein are, of course, well aware that, in so far as they aim at the union of the Duchies, their object is contrary to the existing stipulations between Denmark and the Germanic Confederation, and contrary to the rule of separation between the Duchies established by the Royal authority in pursuance of those stipulations. But the reformers expressly state in their programme that they will operate by legal means only, in the same way as the National Society aims at the realization by legitimate means, throughout Germany, of the idea of the political unity of the common country.

Without entering here into the technical question whether the meeting at Kiel on the 13th January was, or not, a violation of the local law, it may suffice here to observe that the terror of the Government at a meeting of such a kind is a proof of the very unsound state of things within the Duchy; for it is obvious that if the Danish Ducal Crown reposed upon the attachment and confidence of the people, meetings for effecting changes in the constitution of the monarchy might take place without inspiring any real uneasiness or apprehension to the Executive Government.

The naval and military armaments which Denmark is now engaged in raising, are doubtless well known to your Lordship. It is not believed here that those armaments are prepared with the view of offering any resistance to a Federal army in Holstein, but they are considered merely as destined for the eventuality of hostilities extending beyond the Eider. However this may be, I much fear the complications of this long-standing Schleswig-Holstein question are such that it will only be found possible to settle them permanently by reconstituting the Danish monarchy upon Federal

principles, and by parting the two nationalities, so as to enable each of them to live and develop itself separately in peace, without encroaching upon the other's liberties and rights.

I have, &c.

Lord J. Russell.

J. WARD.

No. 109.—*Sir A. Malet to Lord J. Russell.*—(Received January 27.)

MY LORD,

Frankfort, January 23, 1861.

WITH reference to my despatch of the 18th instant, and the précis therein contained of the conclusion of M. von der Pfordten's report to the Diet on the pending question of the Danish Duchies, I am now enabled to transmit to your Lordship a translation of the text of that report.

I have, &c.

Lord J. Russell.

A. MALET.

(Translation.)

(Inclosure.)—Report.

January 17, 1861.

THE United Committees (those of Execution and for the Constitutional Affairs of Holstein) proposed to the Diet to decree as follows:

1st. To declare that the Royal Patent of September 25, 1859, and all Ordinances derived from it,* concerning the Budget of the Duchies of Holstein and Lauenburg, are to be considered as void, as long as they have not obtained the consent of the Constituted States of those Duchies.

2nd. To summon the Royal Ducal Government to give a positive declaration whether they will fulfil the prescriptions of the Federal Decree of 8th March, 1860, concerning the establishment of a "Provisorium" for the said Duchies.†

3rd. To fall back on the Federal Decree of the 12th August, 1858, in case the Royal-Ducal Government does not give a satisfactory declaration of that nature within 6 weeks.

The Assembly resolved upon voting these propositions on the 7th February.

Remarks.—There has been no mention made in the proposition of the "Definitivum." The report preceding them, however,

* Including the Financial Law of July 3 for Holstein and Lauenburg, concerning the common expenses of the monarchy, and the shares of those Duchies to cover them.

† No. I, c 1 and 2 of the Decree of March 8, 1860:—

"c 1. That for all affairs concerning the Duchies of Holstein and Lauenburg, only the Royal Notification of January 28, 1852, is to be considered as decisive.

"c 2. That all motions for laws regarding common affairs of the monarchy, especially financial ones, which are brought before the Reichsrath, shall be laid also before the States of the Duchies, and must have their approval. The Diet shall consider any laws given in contradiction to these conditions as illegal for the Duchies."

points out that the Royal-Ducal Government remains at all events, even when fulfilling the conditions about a Constitutional Provisional State, under the obligation to arrange the constitutional condition of the two Duchies, according to the Conventions made in 1851 and 1852, between Denmark on the one side, and Austria and Prussia, and the Confederation on the other, in a definitive manner.

No. 111.—M. Hall to M. de Bille.—(Communicated to Lord J. Russell by M. de Bille, January 28.)

MONSIEUR, Copenhague, le 19 Janvier, 1861.

IL serait inutile d'entrer dans les détails d'un incident qui à présent est passé dans le domaine de l'histoire. Dans sa dépêche du 8 Décembre dernier à Mr. William Lowther, Lord John Russell a donné, il est vrai, soit au caractère général soit à la portée de plusieurs points des propositions Danoises, une interprétation qui n'était ni dans mes pensées ni dans mes paroles à Mr. Paget. Pourtant je ne regrette pas cette méprise, d'autant moins que le Cabinet de Berlin ayant repoussé même dans ces suppositions la base que l'Angleterre lui avait soumise, il est devenu évident à tout le monde que la Prusse ne veut pas que cette malencontreuse affaire se vide d'une manière pacifique.

Je vous ai déjà invité, Monsieur, à témoigner à sa Seigneurie notre reconnaissance de la bonne volonté qui l'a conduite à essayer cette tentative. Mais plus encore, le Gouvernement du Roi doit au Cabinet Britannique ses remerciements sincères de la manière ferme et précise dont il a fait connaître à M. de Schleinitz ses vues sur les prétensions mises en avant par l'Allemagne à l'égard du Slesvig.

C'est avec une bien vive satisfaction que je constate le parfait accord qui existe à ce sujet entre nos deux Cours.

Bien que l'Acte Final qui termine et résume les négociations de 1851 ne contienne aucun mot relativement au Slesvig, il n'en est pas moins vrai que dans la correspondance précédente le Gouvernement du Roi avait déclaré que le Slesvig, conserverait sa législation et son administration pour ses affaires provinciales. S'il n'y a pas là, à proprement parler, d'engagement formel, il y a pourtant des intentions déclarées qui tiennent de la nature d'une transaction internationale, et le Gouvernement du Roi se croira lié en honneur à les respecter, tant que de son côté l'Allemagne ne se dédit pas de ses promesses. Aussi le Gouvernement s'est abstenu scrupuleusement de porter la moindre atteinte à l'autonomie accordée au Slesvig.

La protection dont jouirait la langue et la nationalité Allemandes dans le Slesvig ne fut pas mentionnée dans la correspondance

diplomatique, mais elle a été promise dans l'Ordonnance Royale du 28 Janvier, 1852. Cette Proclamation adressée aux sujets ne perd pas son caractère de disposition intérieure parce qu'elle a été portée à la connaissance des Puissances étrangères qui, par l'intérêt qu'elles avaient voué au développement de nos affaires, avaient bien acquis le droit d'être instruites d'un si importante mesure. Pour la Diète de Francfort la communication de cette Ordonnance n'a d'autant moins pu créer un droit international quelconque de s'ingérer dans les affaires intérieures du Slesvig et d'exercer un contrôle insupportable sur son administration, que le Ministre du Roi, en lui communiquant cette pièce, ajouta expressément que la Diète y apprendrait nommément la position que le Gouvernement du Roi se proposait d'accorder au Holstein dans l'organisation de la Monarchie. Mais le Roi n'est pas moins lié en honneur par la foi sacrée de sa parole à l'égard du Slesvig, ne fût-elle jamais portée qu'à la connaissance de ses sujets. Seulement l'Allemagne, dont l'action et l'intervention s'arrêtent là où le territoire Fédéral finit, n'a aucun droit de se faire le juge de l'accomplissement de cette intention Royale, moins encore de vouloir l'arracher par la force, soit ouvertement dans une guerre, soit de la manière plus détournée d'une Exécution Fédérale.

C'est ce que sa Seigneurie a parfaitement exprimé dans sa dépêche :

“ Ni dans la forme ni dans la substance ces promesses, telles que le Gouvernement de Sa Majesté les comprend, n'ont donné à l'Autriche et la Prusse ou à la Confédération le droit de s'ingérer dans les détails de l'Administration de ce Duché Danois du Slesvig. Si le Slesvig était incorporé dans le Royaume, s'il était privé de sa constitution séparée, l'Allemagne pourrait prétendre au droit d'intervenir. Mais si le règlement des affaires de toute église et de toute école dans le Slesvig pouvait donner lieu à l'intervention de la Confédération Germanique, il est évident que les droits de Souveraineté du Roi n'existeraient plus que de nom.”

Mais tout en se félicitant de cette reconnaissance puissante de son droit, le Gouvernement du Roi n'oubliera pas non plus l'obligation que lui imposent et la promesse donnée par le Roi à ses sujets et l'intérêt supérieur de la Monarchie qui recommande de ne pas laisser à l'esprit factieux un terrain favorable dans le Slesvig.

J'espère que Lord John Russell aura vu comment le Gouvernement du Roi, même dans les circonstances actuelles et vis-à-vis des prétentions Prussiennes reproduites avec d'autant moins de réserve que l'Angleterre les a énergiquement désapprouvées, a poursuivi la voie toute de modération et de conciliation qu'il s'est tracée. Je vous prie, Monsieur, d'expliquer à sa Seigneurie le

contenu des deux Patentes que le Roi a publiées dans le Slesvig, et lui communiquer les observations qui se trouvent dans la dépêche Danoise que je vous adresse aujourd'hui. Sa Seigneurie saura par là que ces mêmes modifications que j'ai expliquées dans mes entretiens avec Mr. Paget, le Gouvernement du Roi les a adoptées, quoique la Prusse ait si péremptoirement repoussé les ouvertures qui lui ont été faites relativement au Holstein. Si le Gouvernement n'a pas pu réaliser ses intentions relativement aux sociétés, je crois avoir assez clairement démontré que dans les circonstances peu rassurantes du moment le relâchement des dispositions existantes amènerait facilement des conséquences dont sa Seigneurie ne méconnaîtra pas le grave danger.

Lord John Russell sait que le Gouvernement du Roi est tout disposé à suivre dans les autres parties de la Monarchie les mêmes principes libéraux qu'il met en pratique dans le Royaume, et à s'attirer par là les esprits de tous ses sujets; seulement il faut qu'il agisse graduellement et en choisissant le moment favorable. Ce Ministre, qui a si bien compris "qu'il n'y eût jamais une question qui demandât plus impérieusement des considérations calmes, ou dans laquelle un commencement de lutte serait plus défavorable à tous les intérêts engagés," il reconnaîtra qu'il faut laisser les mains libres au Gouvernement du Roi, qui joint à sa bonne volonté la parfaite connaissance des circonstances et des esprits, et il comprendra que plus le Gouvernement sera assuré contre l'ingérence insupportable de l'Allemagne, plus il se verra à même de travailler vers son but.

Lord John Russell a parfaitement bien saisi tout ce que la question Dano-Allemande, apparemment d'un caractère intérieur, renferme dans son sein. Il a compris que l'Allemagne, lorsqu'elle cherche à intervenir dans les affaires de la Monarchie Danoise, soit au sujet de la position du Holstein dans l'organisation générale, soit en prétextant l'oppression de la langue Allemande dans le Slesvig, vise à un but incompatible avec l'intégrité de la Monarchie. J'aime à fonder sur cette juste appréciation un grand espoir de trouver dans ce différend un appui énergique chez le Cabinet Britannique; car cette intégrité de la Monarchie Danoise, dont Lord John Russell dit dans sa dépêche qu'elle intéresse à un grand degré le Gouvernement Britannique, l'Europe et avant tous l'Angleterre l'a hautement proclamée dans le Protocole et le Traité de Londres comme un principe permanent de l'équilibre Européen.

Je vous prie, Monsieur, de faire lecture à Lord John Russell de cette dépêche et de lui en laisser copie.

J'ai, &c.

M. de Bille.

C. HALL.

No. 112.—*Abstract of a Despatch from M. Hall to M. de Bille, January 19, 1861.*—(Communicated January 28.)

(Translation.)

Two Ordinances concerning instruction and confirmation in Schleswig have been published by the Danish Government under date of January 9th last.

In regard to instruction, parents are no longer required to send their children to the public schools, but can, if they prefer, have them educated at home, without, as formerly, being obliged to obtain the permission of the authorities for that purpose; nor is it any longer required that private instruction should be given in that language, which happened to be the language of the public schools of the district.

It being an established principle, both in Denmark and Germany, that it is the duty of Government to attend to, that parents do not neglect the education of their children, the rule which has, in consequence, been adopted, that in case of private instruction the children so instructed are, at stated intervals, to be examined by the directors of the public schools, is a rule which the Danish Government has not thought fit to abolish; but it is, nevertheless, the intention of the Government not to enforce the rule, except in such cases where there is a well-founded suspicion that the parents, under pretence of having their children educated at home, neglect educating them at all.

In regard to confirmation, the new Ordinance does away with the obligation under which parents were hitherto placed of letting their children be confirmed in the church of the parish to which they belonged, and, consequently, also in the language there used. Parents living in a Danish parish are hence at liberty now to send their children to be instructed in religion and confirmed in a German parish, and *vice versa*.

A distinction is besides made between the rite of confirmation (*viz.*, the vow, benediction, and communion), and the preparatory religious instruction or catechism.

In the mixed districts, where, hitherto, the Danish language was exclusively used in both respects, the rite of confirmation is now performed either in German or Danish, at the option of the parties.

The amnesty granted by the King to those implicated in the insurrectionary movement of 1848-50, did not, of itself, include a restoration of the political rights or elective franchise, it being required that those to whom the amnesty applied should petition the King on the subject if they wished to be politically rehabilitated, in which case their petition was never refused. It is, however, the intention of the Danish Government to do away with this requirement and to make the amnesty complete in every respect.

But the Government deems it advisable not to adopt such a measure now, immediately after the election having taken place, when the restoration of the elective franchise would, for the moment, be without practical effect, and the measure therefore, instead of giving satisfaction, be more likely to be treated with mockery by the German press.

If such an extension of the amnesty, on the other hand, be postponed to the next election in Schleswig, so as to be made available then, the measure would, probably be better appreciated, and, at any rate, not to be liable to the same criticism. The Danish Government, therefore, intends to postpone this completion of the amnesty until that period.

If the late negotiations with Prussia had brought about a friendly understanding with Germany, the Danish Government would have been prepared to recall the prohibition decreed in December, 1858, against societies who expressly limit their action to the Duchies of Schleswig and Holstein. Under the present circumstances the Danish Government must, however, maintain the prohibition.

The measure in question has been criticised as harsh and unjust, and as contrary to the promises which the Danish Government is said to have made in the course of the negotiations with Germany in 1851, but it is owing to a misunderstanding of the character and scope of the prohibition when such charges are brought against the Danish Government.

The prohibition only extends to societies in Schleswig who adopt, as a natural cognomen, the words "Slesvig-Holsteinisch," or in some other manner express the idea that Schleswig and Holstein form together a country for itself, separate and distinct from the rest of the Monarchy. The societies or unions treated of in the negotiations of 1851 were, on the other hand, only such as were intended to be in common for the whole Monarchy.

To permit, in the present state of things, the organization of societies limited exclusively to the Duchies of Schleswig and Holstein, would, in the opinion of the Danish Government, lead to the rapid formation throughout Schleswig of "separatistic" branch societies having their head-quarters in Germany or at Kiel, which town, in the event of a Federal Execution in Holstein, would no longer be under the control of the Danish Government.

The Holstein branch of the "National Verein" has, at its last meeting shown what is the tendency of such societies. This society proclaimed as its political programme a united Schleswig-Holstein incorporated into a united Germany.

The Danish Government has, in consequence of this revolutionary demonstration, prohibited the society in Holstein.

C. HALL.

No. 113.—*Mr. Paget to Lord J. Russell.*—(Received January 28.)
 MY LORD, Copenhagen, January 22, 1861.

A POLITICAL association, called the "Nationverein," which holds its meetings at Kiel, having recently adopted a resolution expressive of their determination to use every means to bring about the political reunion of the Duchies of Schleswig and Holstein, and the closest relationship with "Centralized Germany," a Royal Decree for the suppression of this association, a translation of which is herewith inclosed, was issued on the 16th instant.

I have, &c.

Lord J. Russell.

A. PAGET.

(Inclosure.)—*Extract from the "Official Gazette" for the Duchies of Holstein and Lauenburg.*

Ministry for the Duchies of Holstein and Lauenburg,

Copenhagen, January 17, 1861.

IN accordance with a Decree of His Majesty of the 16th instant, the German National Assembly is hereby suppressed, in consideration of the resolution taken by the Holstein members of it on the 18th January, whereby they recognize it as their special task to strive to effect the re-establishment and further development of the former connection of Schleswig with Holstein, and their closest relationship with a "Centralized Germany."

In publishing this for the public observance, the police authorities are ordered to watch that the above Decree is carried out.

RAASLOEFF,

No. 114.—*Mr. Howard to Lord J. Russell.*—(Received January 28.)

MY LORD, Hanover, January 26, 1861.

ON the receipt, yesterday, of your Lordship's despatch of the 22nd instant, I waited upon Count Platen, and, in compliance with your Lordship's instructions, inquired of him what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation.

His Excellency asked whether I proposed to address to him a note containing the inquiry.

I replied, that I did not consider myself authorized to do so by your Lordship's instructions, but that he was at liberty to take down in writing the words of your Lordship's despatch, if he thought proper to do so.

He accordingly did; and afterwards he said that the question was of too important a nature for him to reply to it without having taken the King's orders; that he would accordingly adopt this course, and would then give me an answer.

Having called upon Count Platen, by appointment, this evening,

he observed that your Lordship's inquiry appeared to him to involve two questions: the one as to the object of the Execution; the other, as to the manner in which the Execution was to take place.

With regard to the first point, his Excellency said that he could only refer me to the previous resolutions of the Diet, and more particularly to the resolutions of the 11th of February, 1858,* as well as to that of the 12th of August† of the same year.

With regard to the second point, he said he must refer me to the regulations in respect to executions for carrying into effect the resolutions of the Diet of the 3rd of August, 1820, and to the still-to-be-expected resolutions of the Diet; which will shortly be prepared in the Federal Commission of Execution.

His Excellency added, that Hanover was not a member of this Commission; and repeated an observation, which he had on more than one occasion previously made to me, that any Federal execution would only apply to the German Duchies of Holstein and Lauenburg, and not to the Duchy of Schleswig, which does not belong to the German Confederation.

Your Lordship is, no doubt, in possession of the resolution of the Diet of the 11th of February, 1858, referred to by Count Platen. By this resolution the Diet declares that it does not recognize the validity of the Danish Ordinance of the 11th of June, 1854, relative to the Constitution of Holstein; of the Royal Notification of the 23rd of June, 1856, concerning the special relations of the Duchies of Holstein; as well as of the Constitution for the common affairs of the Danish Monarchy of the 2nd of October, 1855, as far as it is applicable to the Duchies of Holstein and Lauenburg; that it does not find in the laws and ordinances for the reorganization of the Constitution of the Duchies of Holstein and Lauenburg, and for the regulation of their relations towards the rest of the Danish Monarchy, published since the years 1851 and 1852, the observation of the binding assurances, as resulting from the agreements entered into and given in those years, and particularly by the Patent of the 28th of January, 1852, in respect to an alteration of the Constitution of the said Duchies, as well as to the equal rights and independent position to be granted to them in the aggregate State; and, moreover, that the Constitution for the Common Affairs of the Danish Monarchy is not altogether compatible with the principles of the Confederation. The Diet, therefore, calls upon the Royal-Ducal Government to introduce, in the Duchies of Holstein and Lauenburg, a state of things conformable to the laws of the Confederation and to the assurances given, and which shall more particularly secure the independence of the Special Constitution and Administration of the Duchies, and shall

* Page 799.

† Page 801.

preserve their position of equality of rights, and to give to the Diet early notice of the arrangements made or contemplated with this view.

The above-quoted regulations in respect to executions are founded upon the Articles Nos. 31, 32, 33, and 34 of the Final Act of the Conferences of Vienna of the 15th of May, 1820.

I have, &c.

Lord J. Russell.

HENRY F. HOWARD.

No. 115.—Mr. Howard to Lord J. Russell.—(Received January 28.)

MY LORD,

Hanover, January 26, 1861.

SINCE I closed my preceding despatch of this day's date, I have been informed by Count Platen that another object of the Federal Execution in Holstein would be to obtain that, during the provisional state of things, all projects of laws submitted to the Reichsrath should be laid before the Holstein and Lauenburg States, in order to preserve the equality of the rights of those German Federal countries, and that no law concerning the common affairs of the Monarchy, especially in matters of finance, shall be issued for the Duchies, if it has not received the sanction of the States of these Duchies.

I have, &c.

Lord J. Russell.

HENRY F. HOWARD.

No. 116.—Mr. Howard to Lord J. Russell.—(Received January 28.)

MY LORD,

Hanover, January 26, 1861.

IN the conversation which I had with Count Platen yesterday, in putting to him the question directed by your Lordship's despatch of the 22nd instant, relative to the precise object of the threatened Federal Execution in Holstein, I remarked to him how uncalled-for such an Execution appeared to me at a time when there was reason to believe that the Danish Government were about to submit to the newly elected States of Holstein their proposals for the constitution of that Duchy; and I pointed out to his Excellency a passage in Baron Schleinitz's despatch of the 8th of November last, to Count Bernstorff, as published in the newspapers, in which the Prussian Minister for Foreign Affairs, in speaking of the Danish proposals submitted to Prussia through Mr. Paget, says, "The question relates to right of the States of which the Confederation cannot dispose. Let the Danish Government enter into negotiations thereon with the States. If it obtains their consent, there will be nothing to be said against it on the part of the Confederation."

I moreover recalled Count Platen's attention to the danger of adding a new complication in the North of Europe to those already existing in the South, for it was hardly to be supposed that a Federal

Execution, even if originally intended to be confined to Holstein, would not give rise to a revolution in Schleswig, or to a conflict with the Danish forces. It could not, besides, prove otherwise than detrimental to the material interests of those classes of persons in the Duchy who were at the bottom of the movement.

His Excellency replied that the Danish Government had not yet convoked the Holstein States; that upwards of 8 years had elapsed since the Danish Government had promised a satisfactory settlement of the Constitution of the two German Duchies; that these promises had not been carried out; and that the German Confederation, to which they had been made, could not any longer defer enforcing their fulfilment.

His Excellency, however, said that there was no wish on the part of Germany to have unnecessary recourse to an execution, and he hoped it might be avoided; but he was equally persuaded that nothing but the fear of one would induce the Danish Government to do justice to the Duchies.

I should observe that Count Platen always, whilst admitting that the question of Schleswig is an international one, insists upon the Holstein question being a purely German question. He thinks, however, that the settlement of the Schleswig question would greatly facilitate the arrangement of the affairs of Holstein.

I have, &c.

Lord J. Russell.

HENRY F. HOWARD.

No. 117.—Mr. Lowther to Lord J. Russell.—(Received January 28.)
MY LORD, *Berlin, January 26, 1861.*

IN conformity with the instructions contained in your Lordship's despatch to me of the 22nd instant, I asked the Prussian Minister for Foreign Affairs what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation; and I learnt from him that the precise object was, that all the laws of the Duchies of Holstein and Lauenburg regarding the provisional state of things there should be submitted to the Diet of those Duchies.

For some years, said his Excellency, the King of Denmark has utterly disregarded the appeals made to him by the German Confederation; and latterly, on the presentation of the Budget for Holstein no notice whatever was taken of the Diet of Holstein.

I said, I presume, before the execution takes place there will be a summons made to the King of Denmark to conform to the resolutions of the Diet. He said, most certainly; but that he feared it would share the fate of so many other representations that had been made to him, by being taken no notice of; but, added his Excellency,

the King of Denmark will have time for reflection, as troops will hardly be able to go into Holstein before the summer.

I have, &c.

Lord J. Russell.

W. LOWTHER.

No. 119.—Mr. Howard to Lord J. Russell.—(Received January 30.)

MY LORD,

Hanover, January 28, 1861.

COUNT PLATEN thinks that the following answer to your Lordship's inquiry respecting the precise object of a Federal Execution in Holstein would explain this object more fully than that which he previously gave me, and which I had the honour of reporting in my despatch of the 26th instant. I therefore record it in conformity with his wish :

"The object of the Federal Execution, that is to say, what is to be extorted by means of an Execution from the Holstein-Lauenburg Government, is to be found clearly and distinctly set forth in the resolutions of the Diet of the 11th of February and 12th of August, 1858, and in the Federal Resolution to be taken on the 7th of February of this year.

"According to these provisions, it shall be extorted by Execution :

"1st. That, during the 'Provisorium,' all projects of laws submitted to the Reichsrath shall be laid before the Holstein and Lauenburg States, in order to the preservation of the equality of the rights of the German Federal countries ; and that no law concerning the common affairs of the Monarchy, especially in matters of finance, shall be issued for the Duchies, if it has not received the sanction of the States of these Duchies.

"2ndly. That the definitive settlement of the Constitutional state of things in the said Duchies, shall be entered upon ('in Augriff genommen') by the Royal-Ducal Government, in conformity with the assurances given to the German Confederation in the years 1851 and 1852."

I have, &c.

Lord J. Russell.

HENRY F. HOWARD.

No. 120.—Mr. Lowther to Lord J. Russell.—(Received January 31.)

MY LORD,

Berlin, January 29, 1861.

I HAVE the honour to inform your Lordship that, at a meeting of the members of the National Verein, which took place here lately, the following 3 resolutions were taken :

"1. That Prussia and non-united Germany are not called upon, so long as German territory or German interests are not violated, to take part in a war of Austria's for the possession of Venice, and thereby call forth an attack on German territory for the defence of which no effectual support from Austria can be relied upon.

"2. Prussia must take care, if she accepts the duty of military action against Denmark, that not only the particular rights of

Holstein shall be preserved, but that the old-established union between Holstein and Schleswig shall be restored, and that a guaranteed legal condition of things ('Rechtszustand') shall be established in Schleswig, as well as in Holstein.

"3. Looking at the present state of things, and more particularly at the concentrated military power of France, and the notorious weakness of Austria, it is the duty of Prussia, towards herself and towards Germany, to persevere in the immediate united organization of the German Federal army under the direction of Prussia, as well as the speedy summoning of a German Parliament."

This meeting was numerously attended.

I have, &c.

Lord J. Russell.

W. LOWTHER.

No. 121.—*Lord J. Russell to Mr. Ward.*

SIR,

Foreign Office, January 31, 1861.

HER Majesty's Government entirely assent to the principle you lay down in your despatch of the 23rd instant, that Holstein ought to have the management of its financial affairs.

But with regard to Schleswig, it is by the Constitution of the Danish Monarchy, a Danish Duchy. The strange and anomalous connexion which formerly subsisted between Holstein and Schleswig, which bound Schleswig to Holstein, and Holstein to Germany, but not Schleswig to Germany, has ceased. The German Confederation have no jurisdiction in Schleswig, nor any right to interfere in the administration of the Duchy of Schleswig.

Her Majesty's Government cannot be surprised, therefore that the Danish Government should discountenance any association which has among its objects that of dismembering the Danish Monarchy and destroying its Constitution.

I am, &c.

J. Ward, Esq.

J. RUSSELL.

No. 122.—*Mr. Murray to Lord J. Russell.*—(Received January 31.)
(Extract.)

Dresden, January 29, 1861.

IN obedience to the instructions contained in your Lordship's despatch of 22nd January, I had yesterday a conversation with M. de Beust to ascertain from him the precise sense and limitation attached by the Saxon Government to the words "Federal Execution."

His Excellency told me that he considered the mode of procedure designated by that expression as being so clearly defined by the recorded Acts of the Diet that it is not liable to extension or modification by any one State within the Confederation. According to his Excellency's statement, when the Diet has decreed, in reference to any State or Province within its jurisdiction, "Federal Execution," it appoints Commissioners, one or more, to whom it

delegates powers to investigate on the spot the matters which have given rise to the Commission, and they are authorized, if necessary, to publish such regulations regarding the same as may have issued from the Diet: if those regulations are resisted by the State in question, then it is competent to the Diet to proceed to the second stage of Federal Execution, by sending thither a corps of occupation, but this cannot be done without taking a separate vote on the subject, and going through other formula prescribed by the existing laws of the Confederation. His Excellency further informed me that all these laws and regulations are embodied in the official publication called "*Corpus Juris Confederationis Germanicæ*," or "*State Papers regarding the History and Public Rights of the German Confederation*." The work in question is compiled by A. G. von Meyer, with a supplement by Ziegl, and is published at Frankfort. I have not been able to procure a copy of it here, but I have ordered one to be sent hither for the archives of this Mission, which will, I hope, meet with your Lordship's approbation; the work is neither voluminous nor expensive; but it may frequently be required for reference in cases regarding the rights and relations of the Confederated States.

Lord J. Russell.

CH. A. MURRAY.

No. 123.—*Mr Fane to Lord J. Russell.*—(Received February 4.)

(Extract.)

Vienna, January 29, 1861.

IN obedience to the instructions conveyed to me in your Lordship's despatch of the 22nd instant, I asked Count Rechberg what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation.

His Excellency replied that the object would be to occupy Holstein with Federal troops, in order to establish and maintain there a Provisional Government under a Commissary appointed by the Diet, until such time as Denmark should agree to make those administrative changes in regard to the Duchy which were deemed equitable by the German Confederation.

His Excellency dwelt incidentally on the formalities to be gone through and on the period of time (which he computed at nearly 3 months) that must elapse before the Execution, if it were decided upon could be carried into effect.

Lord J. Russell.

JULIAN FANE.

No. 125.—*Sir J. Milbanke to Lord J. Russell.*—(Rec. February 4.)

(Extract.)

Munich, January 30, 1861.

IN obedience to the instructions contained in your Lordship's despatch of the 22nd instant, I asked the Bavarian Minister for

Foreign Affairs what would be the precise object of the Federal Execution in Holstein, supposing Denmark should not yield to the demands of the German Confederation. Baron de Schrenk replied, without hesitation, that the end in view by the Diet was a strict fulfilment, on the part of the King of Denmark, of the engagements taken by His Majesty in regard to the Duchies in the year 1852 ; adding, that if all other means failed, compliance must be compelled by a military occupation of Holstein, which in all probability would be continued until the required changes were effected in the present system of administration.

I observed, in reply to this explanation of the course to be followed, that it might be feasible enough, if the Diet could foresee that the King of Denmark would be likely to yield to compulsion within a reasonable time ; but that as it had no security that this would be the case, it seemed to me that a step which involved the seizure and appropriation of the revenues of the Duchies, and the exercise of other acts of authority in them, would, if prolonged too far, amount to something very much like taking possession of a portion of territory which had been allotted and guaranteed to the King of Denmark by the same solemn European Treaties to which the Confederation itself alone owed its origin, and to which an appeal might, under such circumstances, be made with propriety by any one of the Powers who signed them.

It was impossible, I said, to overrate the gravity of the consequences that might result from a procedure which, besides renewing the agitation of 1848 in the public mind in Germany, had already created alarm among all the Governments of Europe. It is useless, I said, for German statesmen to pretend to deceive themselves by asserting that the contemplated measures of coercion are not intended to be carried beyond the frontiers of the purely German Duchies, for there is not one of them who is not quite as thoroughly persuaded as I am myself, that were a Federal army once to take the field in this cause, public opinion in Germany would exercise so much pressure on the Governments that they would have the greatest difficulty in avoiding an intervention in the Duchy of Schleswig, which your Lordship may be assured is what all Germany is driving at, openly or covertly.

Lord J. Russell.

J. MILBANKE.

No. 126.—Sir A. Malet to Lord J. Russell.—(Rec. February 4.)

MY LORD,

Frankfort, January 31, 1861.

WITH reference to your Lordship's despatch of the 22nd instant, instructing me to ascertain what would be the precise object of a Federal Execution in Holstein, supposing Denmark should not yield to the demands of the Germanic Confederation, I have the honour

to state that the ostensible and avowed object of such Execution would be that the Commissaries of the Diet should take in hand the government of the two Duchies of Holstein and Lauenburg in correspondence with the Provincial States or Elective Chambers of the Duchies.

The military force accompanying the Commissaries would have orders to secure them against all interference from the Danish Government, and the military occupation and functions of the Commissaries would be prolonged until the latter could report to the Diet that the demands contained in the conclusions of M. von der Pfordten's Report, inclosed in my despatch of the 23rd instant, had been complied with by the Danish Government.

I have, &c.

Lord J. Russell.

A. MALET.

No. 129.—Mr. Paget to Lord J. Russell.—(Received February 11.)
(Extract.) *Copenhagen, January 31, 1861.*

I HAVE just had a conversation with M. Hall, at the outset of which I informed his Excellency that, in the opinion of Her Majesty's Government, "the Danish Government would do well to forestall an execution by convoking the Holstein States, and by conforming to the Decree of the Diet."

M. Hall observed, that it was always his desire to avert an Execution, if possible; but, even if it took place, he should not regard it as the greatest of all evils ("le dernier des maux"). It would not be as great a one, for instance, his Excellency said, as constituting the Holstein States into a sort of tribunal of censure over the Danish Monarchy, which would be the practical effect of conforming to the demands of the Diet.

I asked M. Hall to explain his meaning.

His Excellency replied that, according to the resolution of the Diet, every law presented in the Reichsrath would have to be presented to the Holstein Assembly.

Only if it concerns Holstein also, I said. The Danish Government, I continued, had offered, of their own accord, a deliberative vote to the Holstein States on all laws excepting those of finance, and even on those also if the fixed sum was exceeded, in support of which assertion I produced the memorandum on Holstein given to me by his Excellency in August last.

I then recapitulated the substance of the first conversations which had taken place between M. Hall and myself, when the news of the recent report of the Committee of the Diet had been received here, in which his Excellency had never made the objections he now started, and had always, I added, led me to believe he would be disposed to conform to the demands of the Confederation, sup-

posing those demands were confined to the resolutions of the 8th of March last.

M. Hall replied, that he had never meant to convey the idea that the Danish Government would agree to the naked acceptance of the resolutions of the Diet of the 8th March, as he should consider the independence of the Danish Monarchy would be thereby compromised. There would be no expense, he said, however trifling, which, if it was to come out of the common fund, would not be said to regard Holstein; and the result of this would be to give to Holstein, and through Holstein to Germany, a power of interference in the affairs of Denmark which would make the Sovereign and the Government of this country dependent upon, or at all events subject to, the control of the Confederation.

I reminded M. Hall that it was only now a question of what should exist during the "Provisorium," which the Danish Government could always bring to an end by a definitive arrangement.

M. Hall replied, that a provisional state of things on the basis proposed would be so advantageous to Holstein that it would be sought to make it permanent, and Denmark would again be threatened by Execution. It was necessary, therefore, to bring the question to a close once for all.

I replied, that I perfectly remembered what his Excellency had said on this subject at our last interview (reported in my despatch of the 28th instant), but I much feared, as things now stood, that until the Danish Government had recognized the competence of the Holstein States, as required by the Diet, during the provisional period, no proposal for a definitive arrangement would be listened to.

M. Hall said that it was not his intention to make any new proposal to the Diet. He was not, he said, at present in a position to announce to me the course he intended to adopt, for he might not be able to carry out his views. He could only say, that the accounts received from Holstein induced him to believe that the prospect of an Execution was much dreaded in that Duchy, and that the Holsteiners themselves might consequently be less extravagant in their pretensions than the Diet.

From this and other observations of M. Hall, I arrive at the conclusion that it is intended shortly to convoke the Holstein States, and to endeavour, by direct negotiation with them, to arrive at an understanding on the points at issue. If such is the course now decided on by the Danish Government, it cannot but be a subject of regret that they did not adopt it when they were advised to do so, many weeks ago, and when they would have had the appearance, at all events, of acting in a spirit of conciliation, and from a

spontaneous desire to meet the wishes of the opposite party, instead of yielding to threats and compulsion from without.

Lord J. Russell.

A. PAGET.

No. 130.—*Mr. Paget to Lord J. Russell.*—(Received February 11.)

MY LORD,

Copenhagen, February 6, 1861.

M. HALL's ideas as to the course to be followed by the Danish Government with reference to the recent report of the committee of the Diet do not appear as yet to be at all settled.

In our last conversation, reported in my despatch of the 31st ultimo, I understood that it was his Excellency's wish to come at once to a final arrangement; and in pursuance of this object he informed one of my colleagues a few days ago that he should convoke the Holstein States, and propose to them the existing Constitution, with the addition of an upper chamber, selected by the King, for the affairs common to the whole Monarchy—a plan with which your Lordship is already acquainted.

To-day M. Hall has informed me that, although nothing is yet positively decided, the Holstein States will in all probability be convoked early in March for the object of concerting with the Government respecting the "Provisorium." Upon my remarking that this was not exactly what I gathered from my last conversation with his Excellency, M. Hall replied that he certainly would prefer, if possible, bringing the question once for all to a close, but that, failing this, he hoped to be able to negotiate such an arrangement with the Holstein States, respecting the "Provisorium," as would, at all events, exclude any further interference on the part of Germany.

M. Hall then entered into a further explanation of the resolutions of the 8th of March, to show that it was perfectly impossible for the Danish Government to comply with them. He said there was one paragraph which had hitherto escaped much notice, but which was of the highest importance. It required the Danish Government to make an express declaration that during the "Provisorium" no change whatever should be made in what are now classed "private affairs" of each part of the Monarchy, and those which are considered common to the whole. Thus, he said, if a law intended for the whole Monarchy was agreed to by the Rigsraad, and was rejected by the States of Holstein, the result would be, not only that the law should not have effect in Holstein and be carried out in Denmark and Schleswig, because this would be to change its denomination and character from "common" to "private" affairs, but the veto of the Holstein States would prevent its execution in Denmark and Schleswig also, so that in point of fact, said M. Hall, the Danish Monarchy would be governed by the Holstein States.

I have, &c.

Lord J. Russell.

A. PAGET.

No. 184.—*Mr. Jerningham to Lord J. Russell.*—(*Rec. February 18.*)
(Extract.) *Stockholm, February 5, 1861.*

COUNT MANDERSTROEM informed me yesterday, that he had addressed a circular despatch to the Swedish Representatives, stating that his Government concurred in the position adopted, regarding Schleswig, by your Lordship's despatch to Mr. Lowther of the 8th of December last, and that every effort had been made to promote moderation and conciliation in the Danish Councils.

Lord J. Russell.

J. C. L. JERNINGHAM.

No. 185.—*Lord J. Russell to Mr. Paget.*

SIR,

Foreign Office, February 13, 1861.

I HAVE received your despatch of the 28th ultimo, reporting the substance of a conversation which you had held with M. Hall on the present state of the question of the Danish Duchies, and in reply I have to state to you that Her Majesty's Government trust that Denmark will show a conciliatory disposition. With regard to Holstein and Lauenburg, the German Diet appears to be unanimous, and Denmark would improve her position by adopting the views of M. Hall.

The Diet, after having obtained so much of concession, might become more easy, and a sum might be recommended to Holstein as her contribution to general expenses, to meet other proportionate sums from Denmark.

Even the Constitution of Hungary of 1848 provides a sum to be contributed by Hungary towards the expenses of Austria, and Austria could hardly contend that Holstein should not contribute to Danish expenditure.

I am, &c.

A. Paget, Esq.

J. RUSSELL.

No. 189.—*Sir A. Malet to Lord J. Russell.*—(*Rec. February 18.*)
MY LORD, *Frankfort, February 15, 1861.*

WITH reference to my despatch of the 8th instant, giving an account of the proceedings in the Diet in the matter of the Danish Duchies, and referring to the declarations made by the Danish and Netherland Envoys, I have now the honour of inclosing to your Lordship, in translation, the substance of those declarations, as inserted in the Protocol of the Diet.

Your Lordship will observe that these documents coincide in purport with the summary I have already had the honour to lay before your Lordship.

I have, &c.

Lord J. Russell.

A. MALET.

(Inclosure.)—*Documents concerning the Constitution of the Duchies of Holstein and Lauenburg, laid before the German Diet at its Fifth Sitting in 1860.* [See Page 808.]

No. 140.—*Lord J. Russell to Earl Cowley.*

MY LORD,

Foreign Office, February 28, 1861.

THE Count de Flahault has asked me, in the name of his Government, to furnish him with an outline of the views of Her Majesty's Government in reference to the affairs of Holstein-Lauenburg.

At the request of the French Ambassador, I proceed to communicate to you the general views of Her Majesty's Government on this intricate question.

As a broad principle, they consider that Denmark is in honour bound to redeem the pledges she gave in 1852. In the present stage of the negotiation the German Confederation requires that the taxes and the expenditure of Holstein should be voted by the States of Holstein.

Whether this has always been the rule of the German Confederation may well be questioned. The German States of Austria, for instance, have never apparently been brought under the operation of this rule, and other German States have complied with it rather in name than in reality.

The principle, however, appears to Her Majesty's Government to be one which may fairly be applied to all the States of the Confederation. A Representative Assembly, is according to our ideas; the proper authority for sanctioning a budget of taxes and expenditure, nor in the opinion of Her Majesty's Government would Denmark have any *casus belli* against Germany should the Confederation bring Holstein under the operation of this rule, even by a Federal Exécution.

But a practical difficulty occurs on the point often raised, how is Holstein to be charged with the proper proportion of the general expenses of the Danish Monarchy?

It has been proposed that the sums necessary for this purpose should be voted by an Assembly in which Denmark, with 1,500,000 population, Holstein with 500,000, Schleswig with 430,000, and Lauenburg with 80,000, should each have an equal number of members. But this scheme, though it may have a show of justice, is evidently unfair to the people of Denmark.

Another plan, which was put forward in Holstein, would give the Diets of Holstein, Schleswig, and Lauenburg, equal power with Denmark to sanction or refuse the taxes and estimates for the year. But this plan is so cumbrous and uncertain that, if ever put into operation, it would only serve to paralyze the Danish Monarchy.

The principle put forward by the Danish Government that the

Diets of Holstein and Denmark should each contribute a fixed sum for the general expenses of army, navy, and civil list, leaving the remainder to be voted according to the discretion of each Assembly; seems far more reasonable.

It would be necessary, indeed, to restrict the sum within narrow limits perhaps not more than two-thirds of the amount proposed by Denmark; to have the accounts submitted to the Diet of Holstein as well as to that of Denmark; and to give equal rights to each Assembly to refuse any sums which might be asked for, exceeding the stipulated contingent.

This is a rough outline of the terms upon which Germany and Holstein might agree, if they wished for agreement.

Nothing is here said of Schleswig. The Duchy of Schleswig is a Danish Duchy, and although both the honour and the interest of Denmark require that Schleswig should be equitably treated; the King of Denmark could not without danger treat with Germany respecting the terms to be given to that Duchy.

Since this despatch was written, it has been stated that the States of Holstein have been summoned to meet on the 6th of March, so that some time for deliberation will be obtained.

Your Excellency may read this despatch to M. Thouvenel, and say that it has been written in consequence of M. de Flahault's inquiry.

I am, &c.

Earl Cowley.

J. RUSSELL.

No. 142.—*Mr. Paget to Lord J. Russell.*—(Received February 26.)

(Extract.)

Copenhagen, February 22, 1861.

I HAVE the honour to transmit to your Lordship a translation of an address which has recently been forwarded to the Diet at Frankfort by certain inhabitants of Holstein. The object of this address would appear to be to implore the Diet not to give effect to the Decree of Execution, unless it is to bring about the political union of Schleswig and Holstein.

Lord J. Russell.

A. PAGET.

(Inclosure.)—*Address.*

January, 1861.

DIET of Germany! The Undersigned, the inhabitants of towns in the Duchy of Holstein, belonging to the German Diet, have the honour respectfully to address the following lines to you:

We have learned from the newspapers that a Federal Execution may perhaps take place very shortly in Holstein, in order to secure the rights of the German Confederation with regard to Holstein, and also the rights of the inhabitants of this Duchy with regard to

the Royal House, and a considerable political party in Copenhagen. However pleased, not only we, ourselves, but every one in our country must be at obtaining such proofs of sympathy from our Federal associates, we cannot view such a measure without a certain mistrust. Gentlemen, what will the proposed Federal Execution effect? The answer lies in what is stated above. It will maintain the rights of the German Confederation with reference to Holstein, and protect the inhabitants of that Duchy against the attacks of any, be he who he may. But, Gentlemen, for 1,800 years, as history teaches us, Holstein has for a longer or shorter period carried on occasional war with Denmark, which sometimes declared itself in favour of one side, sometimes of the other, and which in 1851, was decided, temporarily, in favour of the Danes by the German Federal troops. But on what grounds has this strife of 18 centuries be carried on? Why have so many thousands in that period shed their blood? Why have so many millions been spent? Why have we, finally, so many thousands of invalids, widows, and fatherless, the result of last war? Answer! Only for our brothers' rights in Schleswig. We have, then, a Federal Execution in view. Heaven guard us against such an Execution as we experienced in 1851, when our friends and Federal associates took the weapons out of our hands, and delivered us, unarmed, to our enemies, permitting them to seize our excellent war material and our fleet (both obtained and built by our countrymen's sweat and blood), to use, at will, not only against us, but against our Federal associates—against the whole of Germany. Federal Diet! All the Undersigned, who in the last 3 years' war have staked and imperilled life and property in the cause of the Duchies, are proud to call ourselves *vis-à-vis* our enemies, in a limited sense, Holsteiners, but in a more extended sense Schleswig-Holsteiners. But just as proud are we of being a member, even though a discarded member, of the great German Fatherland. This last expression is a ground for our declaring that a Federal Execution, if it is to take place, can only be of efficacy for the interests of the Duchy of Holstein, and for the honour of Germany, if the union of the Duchies of Schleswig and Holstein, which has been sworn to by all Danish Kings, from Christian I, 1444, to Christian VIII, 1842, can be secured. Federal Diet! All the Undersigned are fathers of families! We know how to bring up our children so as to be worthy of their ancestors, and we make, therefore, only the simple request—Rather no measures than half measures.

We remain, &c.

No. 143.—Mr. Paget to Lord J. Russell.—(Received February 26.)
(Extract.) *Copenhagen, February 22, 1861.*

I HAVE the honour to inclose herewith a translation of the Royal Patent which was signed by His Majesty on the 19th instant, convoking the Holstein States in extraordinary session for the 6th March next.

Your Lordship will remark that the Assembly is directed so to arrange its discussions that the session can be brought to a close in three weeks. This time will bring them to the expiration of the period allowed to Denmark to reply to the demands of the Diet.

Count Arthur Reventlow is to be the King's Commissioner at the Holstein Diet, and is to arrive at Copenhagen in a few days to receive his instructions.

Lord J. Russell.

A. PAGET.

(Inclosure.)—*Royal Patent of February 19, 1861, convoking the Provincial States for the Duchy of Holstein.*

(Translation.)

WE, Frederick VII, by the grace of God, King of Denmark, &c., do hereby make known.

We have deemed it right, in reference to section 10 in the Decree of the 11th of June, 1854, relative to the Constitution of the Duchy of Holstein, hereby to decree the Convocation of the Provincial States of this Duchy in an Extraordinary Assembly for Wednesday, the 6th of March of the current year. In bringing this to the knowledge of all our good and faithful subjects in our Duchy of Holstein, we enjoin, at the same time, on our faithful Provincial States, the Deputies, or in their place their substitutes, to be present on the aforesaid 6th of March, in our town of Itzehoe, in order to learn what we may have to lay before them by our Commissioner.

The Assembly is so to conduct its discussions that they can be brought to a close in 3 weeks; to which persons, all and singular, are to conform.

Given at our Palace of Christiansborg, February 19, 1861.

Under our Royal hand and seal,

BAASLOEFF.

FREDERICK R.

No. 144.—Earl Cowley to Earl Russell.—(Received February 27.)
(Extract.) *Paris, February 26, 1861.*

I READ this afternoon to M. Thouvenel your Lordship's despatch of the 23rd instant, stating, in answer to an inquiry made by the Count de Flahault, the views of Her Majesty's Government with respect to the Holstein question. M. Thouvenel observed that he coincided in the opinions expressed in your Lordship's despatch.

Lord J. Russell.

COWLEY.

No. 149.—Mr. Paget to Lord J. Russell.—(Received March 11.)
(Extract.) *Copenhagen, March 3, 1861.*

I RECEIVED on the evening of the 28rd ultimo a telegram from Earl Cowley, instructing me, in conformity with orders he had received from your Lordship, to unite with my colleagues of France and Russia in urging on the Danish Government the necessity of submitting for the approbation of the Holstein States the quota to be contributed by Holstein towards the general expenses of the Monarchy.

On calling on M. Dotezac the next morning I found he had received orders of similar purport from M. Theutemel, and Baron Nicholas had for some days been in possession of instructions from St. Petersburg, which enabled him to act with us. It was, therefore, settled that we should at once proceed to M. Hall, and that we should invite our Swedish colleague to join us, to which he readily assented.

M. Dotezac, in his quality of deyen, informed M. Hall of the object which brought us. He said that we came in the name of our respective Governments, from whom we had just received instructions to urge collectively on the Danish Government the necessity of submitting to the Holstein States the share to be paid by Holstein towards the common expenses of the Monarchy; that our Governments gave this advice out of motives of the sincerest regard for Denmark; that they considered the measure equitable in itself, and were unanimously persuaded it was the only one which could avert the Federal Execution.

M. Hall replied that he would in a few days communicate to us the resolutions which were to be submitted to the King in Council on the following day, and that in them we should find the Danish Government had gone to the utmost lengths in the way of concessions to the Holstein States; that the object had been to give them as much autonomy as possible; and that every satisfaction had been given to their just demands.

Lord J. Russell.

A. PAGET.

No. 158.—Consul-General Crowe to Lord J. Russell.—(Rec. Mar. 11.)
(Extract.) *Leipsic, March 7, 1861.*

It is now discovered that the occupation of Holstein may possibly involve an unexpected *casus belli*, in consequence of the complete uncertainty which exists as to what is the frontier of Holstein and Schleswig.

In order to make this question as clear as possible, I have the honour to inclose a sketch map of the countries bordering on the Bider, with the frontier claimed by Denmark painted blue, and that claimed by the Confederation painted red. Your Lordship will see that the Danes claim the Island of Fehmarn; that they claim the

centre of the waters of the Kiel-Busen as the line of demarcation, half the city and fortress of Rendsburg, and all the country north of the Eider. The Germans, on the other hand, also Fehmarn and the whole of the Kiel-Busen. They take the north bank of the Eider as the line of demarcation, including a piece of the old bed of the river east of Rendsburg, and beyond the present canal. They claim the right to fortify Friedrichsart on the north bank of the Kiel-Busen. They insist on having the whole of Rendsburg, with a large tract north of the river attached to it; and, finally, they affirm their right to the whole district of Stäpelholm.

It is not to be supposed that if the Bundes-Execution takes place the troops of the Confederation will avoid Rendsburg. It is far more probable that they would occupy that city and the frontier claimed by the Germans; and it would lie with Denmark to consider the occupation of the disputed points as a *casus belli*.

Fortunately the Bundes-Execution, which is taking its course according to the precedent of 1820, is likely to be much slower in its progress than I had anticipated; and I find according to the "Executions-Ordnung" of that year, that the time occupied in the necessary formalities may be computed as follows:

Executions-Ordnung.

Article III. 1st Respite.—For fulfilment by Denmark of the Resolution of the Diet, or a justification, (7th February to the 21st of March) 6 weeks

Failing the fulfilment or justification, the Execution Commission of the Diet has to report its decision, which must be submitted to the various Governments for consultation 3 weeks

After submission of the Report, vote of the Diet *in plenum* 3 weeks

Article 4. 2nd Respite.—To carrying out the formalities of the Resolution voted by the Diet 4 weeks

Submitting the vote of the Diet to Execution Committee 6 weeks

Article VII.—The Execution being finally recognized, Commission to one of the Federal Powers to carry it out. Resolution of the Diet on this point 3 weeks

Article X. Last Respite.—To Denmark through the Federal Power charged with the Execution 3 weeks

Total 28 weeks

Thus the Bundes-Execution cannot take place till the middle of August, and may be protracted further.

Denmark, of course, may precipitate matters by waiving all respite.

Lord J. Russell.

J. A. CROWE.

(Inclosure.)—*Map of the Disputed Frontier of Schleswig-Holstein.*

No. 154.—*Mr. Paget to Lord J. Russell.*—(Received March 14.)
(Extract.) *Copenhagen, March 11, 1861.*

I HAVE the honour to transmit to your Lordship herewith translations of the King's notification to the Holstein States, the draft of a provisional arrangement to take effect on the 1st of April, 1861, and the draft of a Special Constitution for Holstein.

The Special Constitution for the Duchy appears to be drawn up, as M. Hall led me to believe it would be, in entire accordance with the wishes expressed by the States of Holstein in their Report of March, 1859, and to give every security to both civil and religious liberty.

I regret, however, to say that the accounts from the Duchy are anything but promising as to the success of the new propositions.

Baron Plessen, indeed, inaugurated his election as President of the Assembly by a speech in which he dwelt much on the necessity of moderation and conciliation; but M. Orla Lehmann, a very strong Schleswig-Holsteiner, and a member of the German "Nationalverein," whose meetings in Holstein, as your Lordship is aware, have been forbidden, is chosen reporter to the Committee.

In the meantime it is reported that nearly 200 petitions have been presented to the members of the States praying them to assent to no arrangement with the Danish Government which does not re-establish the political union between Schleswig and Holstein as it existed before 1848.

Lord J. Russell.

A. PAGET.

(Inclosure 1.)—*Notification to the Holstein States respecting their humble Representations, made in the year 1859, on the subject of the Constitution, as also regarding the steps which further will have to be taken with reference to it.*

(Translation.) *Christiansborg, March 2, 1861.*

WE, Frederick VII, by the grace of God King of Denmark, &c., to our faithful Assembly of the States of Holstein, greeting.

As already stated in our Patent of September 23, 1859, which contained some temporary resolutions for better securing the interests of the Duchy of Holstein in the management of common affairs, we have not, in the report of our faithful Assembly of the States of Holstein, dated March 11 same year, on the subject of the proposals which we considered it necessary to make to effect the completion of the Constitution of the Duchy of Holstein, and by which an opportunity was offered to the Assembly of the States to bring forward its wishes and prayers concerning the Constitutional position of the Duchy of Holstein in our common Monarchy, on the

basis of the Patent of January 28, 1852,—been able to discover proposals suitable to serve as a foundation for a constitutional re-organization in the direction indicated, and then to receive our Royal sanction. If even we do not misjudge the earnestness and care with which the Assembly entered upon the task laid before it, and sought to accomplish it on the indicated basis, yet the examination of its draft of a common Constitution for the Danish Monarchy could not fail to convince us that the conditions set forth therein, but especially the principal proposal regarding the management of the common affairs by four separate Assemblies, are, on the one hand, in contradiction with the aforesaid patent; on the other hand must, in practice, make any regular Government impossible.

While we were thus obliged to relinquish all hope of accomplishing a satisfactory re-organization of the Constitutional regulations of our Monarchy, on the basis thus proposed by our faithful Assembly of the States, we were induced, by love for our people, and for the better security of the interests of our Duchy of Holstein in the interim, to make the arrangements contained in our Patent of September 23, 1859, for the period which, under all circumstances, it was to be feared would yet elapse before the accomplishment of the object in view. But simultaneously we made known our Royal will that continued endeavours should be made to accomplish a Constitutional reunion of our Duchy of Holstein with the portion of our Monarchy not belonging to the German Confederation. In conformity herewith, we notified to the Federal Assembly the intention to cause deputies for Holstein to assemble with representatives for the other portions of the Monarchy, to negotiate on the subject of a suitable adjustment of the affairs in common.

When convinced that an understanding with the Federal Assembly respecting the manner in which the said arrangement should be carried into effect was not to be expected, the said plan had to be abandoned, as, under such circumstances, no good could result from it. On communicating the declaration on this subject to the Federal Assembly, we directed our Federal Envoy, at the same time, to notify that, nevertheless, the intention of the Government was, not to relinquish their efforts to bring about a common Constitution, but that, on the contrary, they would be prepared, at the conclusion of the election of new members to the Assembly of States of Holstein, which was to take place towards the close of last year, to obtain direct negotiations with the fresh-elected Assembly on the subject of a draft of a new common Constitution.

But steps have been taken by the German Confederation which must greatly influence the regular progress of the aforesaid question. By the Federal decision of March 8 last year, the demand is made that during the Provisional State, until the establishment of a

common Constitution, all drafts of laws laid before the Council of State ("Rigsraad"), to be valid in Holstein, shall also be laid before the States of that Duchy, and that no laws respecting common affairs, even in financial matters, must be issued for the Duchy without the sanction of the Assembly of the States; and by a further resolution of February 7 this year, the Confederation has threatened us with a Federal Execution, provided the said demand be not satisfied by the period stipulated. Under these circumstances, we have not deemed it advisable to lay before the Assembly a new and complete draft of a common Constitution. Independent of the difficulties which have hitherto been opposed to the consideration of this question, and which have not been diminished by the proposals of the Assembly of the States during its last session, the present moment appears little suited to try such a proposal with that earnestness and impartiality which are necessary, if a favourable result is to be expected.

Nevertheless, we desire to make a preparatory step in the indicated direction, by which a definitive and satisfactory solution of the question of a Constitution may be arrived at.

Acting on the supposition, based on general experience, that the division of the common Representation of the Monarchy into two Chambers might, on the one hand, be suited to remove the objections against the existing form of representation, while it might secure for the whole institution a more advantageous development, we have instructed our Commissary to call upon the Assembly to express itself on the subject of the introduction of such an organization, which would have to be effected in the following manner, viz., that the Council of State (Rigsraad) established by the said Constitutional Law be divided into two Chambers, in such manner that the First Chamber be composed of at least 30 members, chosen for life-time, by us, in accordance with our best judgment; the Second Chamber to consist of 60 members, whereof half to be chosen direct and half indirect, in accordance with the rules hitherto observed, but only for 6 years, and that then all laws respecting common affairs are to be laid before both Chambers for decision.

In further carrying out this change, we would also be prepared to furnish the eventual new common representation with more enlarged constitutional privileges. In laying before the existing Council of State (Rigsraad), for its decision, the modifications which, with reference to the aforesaid system of two Chambers, would have to be made in the common Constitution, we would make proposals with a view of reducing, by one-half, the present census for the indirect election to the Council of State (Rigsraad), and to afford both Chambers in the new Council of State the privilege of taking the initiative in drafts of laws. When the modified law of a Constitu-

tion has been presented to and accepted by the existing Council of State, we will also cause it to be laid before our faithful Assembly of the States for decision, and in this manner bring the question of a Constitution to a conclusion.

But, independently of said proposal, we have felt it necessary to be prepared to bring about a new adjustment of the state of affairs during the Provisorium.

As it has, however, appeared impossible to us to comply with the demand made in the resolution of the Federal Assembly of the 8th of March last year, we have caused a draft of a law to be made respecting the provisional state of Holstein with regard to the common affairs of the Monarchy, and instructed our Commissary to lay the same before the Assembly. Respecting the conditions in this draft, we refer to the explanatory minutes which accompany it, and entertain the hope that our faithful States will find in this proposal evidence of our desire also in this respect to advance the welfare of our Duchy of Holstein. By the said Provisorium the Assembly will obtain an additional security for the protection of the interests of the Duchy, and by the thus enlarged right of self-government a considerable share in the resolving power in matters concerning the common affairs of the Monarchy.

Finally, we have decided again to cause a draft of a Constitutional Law for the special affairs of the Duchy of Holstein to be laid before our faithful States. It causes us particular satisfaction that it has been practicable, in drawing up said document, to take into special consideration the prayers of the States contained in their aforesaid draft of a Constitution. The draft, in its present form, offers a rich field for civil liberty, such as we have ever desired our beloved subjects to be in enjoyment of, and have given them, as far as circumstances have permitted it.

With regard to the other prayers made by the Assembly of States during last session, and the petitions supported by it, we reserve to ourselves to notify our pleasure at a future period.

Given under our royal hand and seal at our Palace of Christiansborg, March 2, 1861.

RAASLOEFF.

(L.S.) FREDERICK.

(Inclosure 2.)—*Draft of a Law on the Provisional State of Holstein, with reference to the Common Affairs of the Danish Monarchy.*

(Inclosure 3.)—*Draft of a Law respecting the Constitution of the Duchy of Holstein.*

Minutes to the Draft of a Law concerning the Constitution of the Duchy of Holstein.

CONVENTION entre la Belgique et le Hanovre, concernant le Péage de Stade.—Conclu à Hanovre, le 18 Février, 1861.

[Ratifications échangées à Hanovre, le 10 Juillet, 1861.]

SA Majesté le Roi des Belges, d'une part, et Sa Majesté le Roi de Hanovre, d'autre part, voulant, en attendant qu'un Traité général règle la suppression, par voie de capitalisation, du péage de Stade ou de Brunshausen, conclure une Convention particulière qui détermine le mode d'après lequel la Belgique s'acquittera des obligations résultant pour elle de cet arrangement, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges,

Le Baron Jean-Baptiste Nothomb, décoré de la croix de Fer, Grand-Cordon de son Ordre de Léopold et des Ordres de la Branche Ernestine, d'Albert le Valeureux, de la Légion d'Honneur, de l'Aigle Rouge, de Charles III, du Christ de Portugal, de Saint-Michel de Bavière, de Saint-Olaf, du Lion des Pays-Bas, du Lion de Zaehringen, du Mérite de la Hesse Grand-Ducal, de la Maison d'Anhalt, &c., Son Ministre d'Etat, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Hanovre ;

Et Sa Majesté le Roi de Hanovre,

Le Comte Adolphe-Charles-Louis de Platen-Hallermund, Commandeur de première classe de son Ordre des Guelphes, Grand-Cordon des Ordres de Léopold d'Autriche, de l'Aigle Rouge, de l'Aigle Blanc de Russie, du Lion Néerlandais, de la Maison d'Oldenbourg, de Pie IX, des Saints Maurice et Lazare, &c., Son Ministre d'Etat et des Affaires Etrangères ;

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. Sa Majesté le Roi des Belges s'engage à continuer de rembourser aux navires Hanovriens le droit perçu sur la navigation de l'Escaut par le Gouvernement des Pays-Bas, en vertu du § 8 de l'Article IX du Traité du 19 Avril, 1839, aussi longtemps que cette faveur sera accordée aux navires d'une nation quelconque, y compris la Belgique.

En considération de ce remboursement, Sa Majesté le Roi de Hanovre fait remise sous les clauses énoncées ci-après, au trésor Belge, de la quote-part mise en capital à la charge de la Belgique pour la capitalisation du péage de Stade ou de Brunshausen.

II. Dans le cas où le remboursement du péage de l'Escaut ne serait plus opéré par la Belgique au profit des navires Hanovriens, soit par suite de l'abolition du droit en principe, soit par d'autres motifs, Sa Majesté le Roi des Belges s'engage à faire verser au

trésor Hanovrien la quote-part de la Belgique dans la capitalisation pour le rachat des droits de Stade ou de Brunshausen.

III. Le cas échéant où par un arrangement entre les Puissances participant aujourd'hui au remboursement du péage de l'Escaut, le péage de l'Escaut viendrait à être capitalisé, Sa Majesté le Roi des Belges sera tenu envers Sa Majesté le Roi de Hanovre de la part contributive que le Hanovre aurait éventuellement à payer dans la capitalisation jusqu'à concurrence de la somme mise à la charge de la Belgique pour sa part du rachat des droits ou du péage de Stade ou de Brunshausen.

IV. Les stipulations qui précèdent remplaceront les Articles VIII, IX et X de la Convention de Navigation conclue entre la Belgique et le Hanovre le 15 Janvier, 1842, laquelle Convention restera pour le surplus en vigueur comme si elle n'avait pas été dénoncée.

V. L'exécution des engagements réciproques contenus dans la présente Convention est expressément subordonnée à l'accomplissement des formalités et règles établies par les lois constitutionnelles des Hautes Parties Contractantes, lesquelles s'obligent à en provoquer l'application dans le plus bref délai possible. Dans l'intervalle, qui toutefois ne pourra dépasser l'année 1861, et sans que le péage de l'Escaut cesse d'être remboursé à la décharge des navires Hanovriens, les droits de Stade continueront à être perçus d'après les tarifs en vigueur, à moins que le rachat par capitalisation ne reçoive ses effets plus tôt.

VI. La présente Convention sera ratifiée et les ratifications en seront échangées avant la fin de l'année 1861.

En foi de quoi les Plénipotentiaires l'ont signée et y ont apposé le cachet et leurs armes.

Fait à Hanovre, en double expédition, en Français et en Allemand, le 18 Février, 1861.

(L.S.) NOTHOMB. (L.S.) PLATEN-HALLERMUND.

CONSTITUTIONS, &c. of the United States of America, and of the so-called Confederate States.—1776—1861.

LIST OF DOCUMENTS.

- | | |
|--|-------------------|
| 1. Declaration of Independence | 4th July, 1776. |
| 2. Articles of Confederation | 9th July, 1778. |
| 3. Constitution | 17th Sept., 1787. |
| 4. Amendments to the Constitution | 1791—1804. |
| <hr/> | |
| 5. Constitution for the Provisional Government of the Confederate States (South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana).... | 8th Feb., 1861. |

6. Constitution of the Confederate States (*South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana*) 11th Mar., 1861.
7. Ordinance to dissolve the Union between the State of *South Carolina* and other States united with her under the compact entitled "The Constitution of the United States of America" 20th Dec., 1860.
8. Ordinance to dissolve the Union between the State of *Florida*, and other States united under the compact entitled "The Constitution of the United States of America" 7th Jan., 1861.
9. Ordinance to dissolve the Union between the State of *Mississippi*, and the other States united under the compact entitled "The Constitution of the United States of America" 9th Jan., 1861.
10. Ordinance to dissolve the Union between the State of *Alabama*, and other States united under the compact styled "The Constitution of the United States of America" 11th Jan., 1861.
11. Ordinance to dissolve the Union between the State of *Georgia*, and other States united with her under the compact of Government, entitled "The Constitution of The United States" 18th Jan., 1861.
12. Ordinance to dissolve the Union between the State of *Louisiana*, and other States united with her under the compact entitled "The Constitution of the United States of America" 26th Jan., 1861.
13. Ordinance to dissolve the Union between the State of *Texas*, and the other States under the compact styled "The Constitution of the United States of America" 1st Feb., 1861.
14. Ordinance to repeal the Ratification of the Constitution of the United States of America, by the State of *Virginia*, and to resume all the Rights and Powers granted under the said Constitution 17th April, 1861.
15. Convention between the Commonwealth of *Virginia* and the Confederate States of America 24th April, 1861.
16. Ordinance to dissolve the Union between the State of *Arkansas*, united under the compact entitled, "The Constitution of the United States of America" 6th May, 1861.
17. Ordinance to dissolve the Union between the State of *North Carolina*, united under the compact entitled "The Constitution of The United States" 20th May, 1861.
18. Ordinance of the State of *North Carolina* for the Adoption of the Constitution of the Provisional Government of the Confederate States of America 20th May, 1861.
19. Convention between the State of *Tennessee* and the Confederate States of America May, 1861.
20. Declaration of Independence and Ordinance dissolving the Federal relations between the State of *Tennessee* and the United States of America May, 1861.
21. Ordinance of the State of *Tennessee*, for the adoption of the Constitution of the Provisional Government of the Confederate States of America May, 1861.

(1.)—DECLARATION of Independence of the United States of America.
July 4, 1776:

In Congress, July 4, 1776.

The unanimous Declaration of the 13 United States of America.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and

formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our Legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

- For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

- For cutting off our trade with all parts of the world;

- For imposing taxes on us without our consent;

- For depriving us, in many cases, of the benefits of trial by jury;

- For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our Governments;

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence,

[1860-61. LI.]

3 I

we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Rodger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, jun., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Hayward, jun., Thomas Lynch, jun., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.

(2.)—ARTICLES of Confederation of the United States of America. *Philadelphia, July 9, 1778.*

To all whom these presents shall come.

WE, the Undersigned, Delegates of the States affixed to our names, send greeting :

Whereas the Delegates of the United States of America in Congress assembled, did on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz., Articles of Confederation and Perpetual Union, between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania,

Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ART. I. The style of this Confederacy shall be "The United States of America."

II. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to The United States, in Congress assembled.

III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

IV. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of The United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of The United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

V. § 1. For the more convenient management of the general interests of The United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

§ 2. No State shall be represented in Congress by less than two,

nor by more than 7 members; and no person shall be capable of being a delegate for more than 3 years, in any term of 6 years; nor shall any person, being a delegate, be capable of holding any office under The United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in The United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony or breach of the peace.

VI. § 1. No State, without the consent of The United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or Treaty, with any king, prince or State; nor shall any person holding any office of profit or trust under The United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State; nor shall The United States, in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any Treaty, confederation, or alliance whatever, between them, without the consent of The United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in Treaties, entered into by The United States, in Congress assembled, with any king, prince, or State, in pursuance of any Treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by The United States, in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of The United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-

pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of The United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till The United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by The United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by The United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until The United States, in Congress assembled, shall determine otherwise.

VII. When land forces are raised by any State, for the common defence, all officers of, or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by The United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as The United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by The United States, in Congress assembled.

IX. § 1. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in Article VI, of sending and receiving Ambassadors; entering into Treaties and alliances, provided that no Treaty of Commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing

rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of The United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of The United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to 13; and from that number not less than 7, nor more than 9 names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any 5 of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges

of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of The United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of The United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout The United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all The United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of The United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of The United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of The United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of President more than one year in any term of 3 years; to ascertain the necessary sums of money to be raised for the service of The United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of The United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of

land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of The United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by The United States, in Congress assembled; but if The United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by The United States in Congress assembled.

§ 6. The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any Treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of The United States, or any of them, nor emit bills, nor borrow money on the credit of The United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless 9 States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of The United States in Congress assembled.

§ 7. The Congress of The United States shall have power to adjourn to any time within the year, and to any place within The United States, so that no period of adjournment be for a longer duration than the space of 6 months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to Treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

X. The Committee of the States, or any 9 of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as The United States, in Congress assembled, by the consent of 9 States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of 9 States, in the Congress of The United States assembled, is requisite.

XI. Canada acceding to this Confederation, and joining in the measures of The United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by 9 States.

XII. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of The United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against The United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

XIII. Every State shall abide by the determinations of The United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of The United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of The United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectfully represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day

of July, in the year of our Lord 1778, and in the third year of the Independence of America.

On the part and behalf of the State of New Hampshire.—Josiah Bartlett, John Wentworth, jun. (August 8, 1778).

On the part and behalf of the State of Massachusetts Bay.—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

On the part and behalf of the State of Rhode Island and Providence Plantations.—William Ellery, Henry Marchant, John Collins.

On the part and behalf of the State of Connecticut.—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

On the part and behalf of the State of New York.—James Duane, Francis Lewis, William Duer, Gouv. Morris.

On the part and in behalf of the State of New Jersey.—Jno. Witherspoon, Nath. Scudder (November 26, 1778).

On the part and behalf of the State of Pennsylvania.—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed (July 22, 1778).

On the part and behalf of the State of Delaware.—Thomas M'Kean (February 12, 1779), John Dickinson (May 5, 1779), Nicholas Van Dyke.

On the part and behalf of the State of Maryland.—John Hanson, (March 1, 1781), Daniel Carroll (March 1, 1781).

On the part and behalf of the State of Virginia.—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

On the part and behalf of the State of North Carolina.—John Penn (July 21, 1778), Corns. Harnett, Jno. Williams.

On the part and behalf of the State of South Carolina.—Henry Laurens, William Henry Drayton, Jno. Mathews, Richard Hutson, Thos. Heyward, jun.

On the part and behalf of the State of Georgia.—Jno. Walton (July 24, 1778), Edwd. Telfair, Edward Langworthy.

(3.)--*CONSTITUTION of the United States of America.*—September 17, 1787.

WE, the people of The United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ART. I. § 1. All legislative powers herein granted, shall be vested

in a Congress of The United States, which shall consist of a Senate and House of Representatives.

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of 25 years, and been 7 years a citizen of The United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within 3 years after the first meeting of the Congress of The United States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island and Providence Plantations 1, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

§ 3. The Senate of The United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for 6 years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into 3 classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of The United States, and



who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of The United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of The United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of The United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under The United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of The United States. They shall, in all cases, except

treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same ; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of The United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under The United States, shall be a member of either House during his continuance in office.

§ 7. All Bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of The United States ; if he approve he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of each House respectively. If any Bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives, may be necessary (except on a question of adjournment), shall be presented to the President of The United States ; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a Bill.

§ 8. The Congress shall have power :

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of The United States ; but all duties, imposts and excises shall be uniform throughout The United States.

To borrow money on the credit of The United States.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout The United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of The United States.

To establish post offices and post roads.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the Supreme Court.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of The United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of The United States, or in any department or officer thereof.

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty

may be imposed on such importation not exceeding 10 dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by The United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign State.

§ 10. No State shall enter into any Treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of The United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

II. § 1. The Executive Power shall be vested in a President of the United States of America. He shall hold his office during a term of 4 years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number

of Senators and Representatives to which the State may be entitled in the Congress, but no Senator or Representative, or person holding an office of trust or profit under The United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign, and certify, and transmit sealed to the seat of the Government of The United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the 5 highest on the list the said House shall in like manner choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout The United States.

No person except a natural born citizen, or a citizen of The United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of 35 years, and been 14 years a resident within The United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from The United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of The United States, and will, to the best of my ability, preserve, protect and defend the Constitution of The United States."

§ 2. The President shall be Commander-in-chief of the army and navy of The United States, and of the militia of the several States, when called into the actual service of The United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against The United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of The United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions convene both Houses, or either of them ; and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive Ambassadors and other public Ministers. He shall take care that the laws be faithfully executed ; and shall commission all the officers of The United States.

§ 4. The President, Vice-President, and all civil officers of The United States, shall be removed from office on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanours.

III. § 1. The judicial power of The United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

§ 2. The judicial power shall extend in all cases in law and equity, arising under this Constitution, the laws of The United States, and Treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of Admiralty and maritime jurisdiction; to controversies to which The United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects.

In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

§ 3. Treason against The United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other

crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to The United States; and nothing in this Constitution shall be so construed as to prejudice any claims of The United States, or of any particular State.

§ 4. The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

V. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the 1st and 4th clauses in the 9th section of Article I; and that no State without its consent shall be deprived of its equal suffrage in the Senate.

VI. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against The United States under this Constitution as under the Confederation.

This Constitution, and the laws of The United States which shall be made in pursuance thereof, and all Treaties made or which shall be made under the authority of The United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned and the members of the several State Legislatures, and all executive and judicial officers both of The United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under The United States.

VII. The ratification of the Conventions of 9 States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the 17th day of September, in the year of our Lord 1787, and of the Independence of the United States of America the 12th. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*
and *Deputy from Virginia.*

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia.—John Blair, James Madison, Jun.

North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest :

WILLIAM JACKSON, *Secretary.*

(4.)—AMENDMENTS to the Constitution.*

ART. I. CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or

* The first 10 of these Amendments were proposed by Congress (with others which were not ratified by three-fourths of the Legislatures of the several States), by Resolution of 1789, and were ratified before 1791. The XIth Amendment was proposed by Congress by Resolution of the year 1794, and was ratified before 1796. The XIIth Article was proposed by Congress by Resolution of October, 1803, and was ratified before September, 1804.—[U. S. Statutes at Large, vol. i, p. 21.]

abridging the freedom of speech or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

III. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

VII. In suits at common law, where the value in controversy shall exceed 20 dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of The United States than according to the rules of the common law.

VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to The United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

XI. The judicial power of The United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of The United States by citizens of another State, or by citizens or subjects of any foreign State.

XII. § 1.* The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify and transmit sealed to the seat of the Government of The United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of The United States.

* This Amendment was proposed in October, 1803, and was ratified before September, 1804.

(5.)—*CONSTITUTION for the Provisional Government of the Confederate States of America.—Montgomery, February 8, 1861.*

WE, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favour of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichever shall first occur.

ART. I.—SECT. 1. All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

SECT. 2. When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

SECT. 3.—1. The Congress shall be the judge of the elections, returns and qualifications of its members; any number of deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

SECT. 4. The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

SECT. 5.—1. Every Bill which shall have passed the Congress, shall, before it becomes a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such re-consideration, two-thirds of the Congress shall

agree to pass the Bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the Bill shall be entered on the journal. If any Bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same Bill.

2. Every order, resolution, or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a Bill.

3. Until the inauguration of the President, all Bills, orders, resolutions, and votes, adopted by the Congress shall be of full force without approval by him.

Sect. 6.—1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts, and excises shall be uniform throughout the States of the Confederacy.

2. To borrow money on the credit of the Confederacy.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy.

7. To establish post offices and post roads.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

18. The Congress shall have power to admit other States.

19. This Congress shall also exercise executive powers until the President is inaugurated.

Sect. 7.—1. The importation of African negroes from any foreign country other than the slaveholding States of The United States, is hereby forbidden; and Congress are required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

4. No bill of attainder, or *ex-post facto* law shall be passed.

5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the Treasury, unless it be asked and estimated for by the President or some one of the heads of departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercises thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well regulated militia being necessary to the security of a free State, the right of a people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

15. In suits at common law, where the value in controversy shall exceed 20 dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

17. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the State, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

Sect. 8.—1. No State shall enter into any Treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex-post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ART. II.—Sect. 1.—1. The Executive Power shall be vested in a President of the Confederate States of America. He, together with the Vice-President, shall hold his office for one year, or until this Provisional Government shall be superseded by a permanent Government, whichever shall first occur.

2. The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote and a majority of the whole being requisite to elect.

3. No person except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President: neither shall any person be eligible to that office who shall not have attained the age of 35 years, and been 14 years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress), the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President:

and such officer shall act accordingly, until the disability be removed or a President shall be elected.

5. The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of 25,000 dollars per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

6. Before he enters upon the execution of his office, he shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

Sect. 2.—1. The President shall be Commander-in-chief of the army and navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make Treaties, provided two-thirds of the Congress concur; and he shall nominate, and by and with the advice and consent of the Congress shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Court, and all other officers of the Confederacy, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress by granting commissions which shall expire at the end of their next session.

Sect. 3.—1. He shall from time to time give to the Congress information of the state of the Confederacy and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice-President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery, or other high crimes and misde-

meanors; a vote of two-thirds shall be necessary for such conviction.

ART. III.—Sect. 1.—1. The judicial power of the Confederacy shall be vested in one supreme court, and in such inferior courts as are herein directed, or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a district in which there shall be a court called a district court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of The United States, as far as applicable, in both the district and circuit courts of The United States for that State; the judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of The United States in the judges of the district and circuit courts of The United States for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the district courts to the supreme court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of The United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the district judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of The United States, to the courts of the Confederacy, and for the execution of the orders, decrees, and judgments heretofore rendered by the said courts of The United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

Sect. 2—1. The judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of The United States and of this Confederacy, and Treaties made, or which shall be made, under its authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of Admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

2. In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other

cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3.—1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ART. IV.—Sect. 1.—1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect of such proof.

Sect. 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State escaping to another shall be delivered up, on claim of the party to whom said slave may belong, by the executive authority of the State in which such slave shall be found and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party by the State in which such abduction or rescue shall take place.

Sect. 3.—1. The Confederacy shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against invasion; and on application of the Legislature or of the Executive (when the Legislature cannot be convened), against domestic violence.

ART. V.—1. The Congress, by a vote of two-thirds, may at any time alter or amend this Constitution.

ART. VI.—1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all Treaties made or

which shall be made under the authority of the Confederacy, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of The United States in relation to the public property and public debt at the time of their withdrawal from them ; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that Union, upon the principles of right, justice, equity, and good faith.

3. Until otherwise provided by the Congress, the city of Montgomery in the State of Alabama, shall be the seat of Government.

4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution ; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

(6.)—*CONSTITUTION of the Confederate States of America.—Montgomery, March 11, 1861.*

WE, the people of the Confederate States, each State, acting in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, insure domestic tranquillity and secure the blessings of liberty to ourselves and our posterity—invoking the favour and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

ART. I.—Sect. 1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and a House of Representatives.

Sect. 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States ; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature ; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or federal.

2. No person shall be a Representative who shall not have attained the age of 25 years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within 3 years after the first meeting of the Congress of the Confederate States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every 50,000, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose 6; the State of Georgia 10; the State of Alabama 9; the State of Florida 2; the State of Mississippi 7; the State of Louisiana 6, and the State of Texas 6.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

Sect. 3.—1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for 6 years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by the resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of 30 years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice-President of the Confederate States shall be Presi-

dent of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their officers; and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Sect. 4.—1. The times, place, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

Sect. 5.—1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds of the whole number expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days, nor to any other place than that in which the two Houses shall be sitting.

Sect. 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid

[1860-61. LI.]

out of the Treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Sect. 7.—1. All Bills for raising the revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other Bills.

2. Every Bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of each House respectively. If any Bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same Bill. In such case he shall, in signing the Bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the Bill shall have originated; and the same proceedings shall then be had as in case of other Bills disapproved by the President.

3. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjourn-

ment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a Bill.

Sect. 8. The Congress shall have power.

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defence, and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry, and all duties, imposts and excises shall be uniform throughout the Confederate States.

2. To borrow money on the credit of the Confederate States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys and other aid to navigation upon the coasts, and the improvement of harbours and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the 1st day of March in the year of our Lord 1863, shall be paid out of its own revenues.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and on water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the Government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States; and to exercise like authority over places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

Sect. 9.—1. The importation of negroes of the African race, from any foreign country other than the Slaveholding States or territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or territory not belonging to, this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All Bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right

to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed 20 dollars, the right of trial by jury shall be preserved; and no fact so tried by jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Sect. 10.—1. No state shall enter into any Treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex-post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederate State, and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbours navigated by the said vessels; but such duties shall not conflict with any Treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common Treasury. Nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ART. II.—Sect. 1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of 6 years; but the President shall not be re-eligible. The President and Vice-President shall be elected as follows:

2. Each State shall appoint, in such a manner as the Legislature

thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding 3, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States—the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

7. No person except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in The United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of 35 years, and been 14 years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officers shall act accordingly, until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect and defend the Constitution thereof."

Sect. 2.—1. The President shall be commander-in-chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make Treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

3. The principal officer in each of the executive departments and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have the power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

Sect. 3.—1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

Sect. 4.—1. The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ART. III.—Sect. 1.—1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Sect. 2.—1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and Treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and a citizen of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3.—1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ART. IV.—Sect. 1.—1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

Sect. 2.—1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave or other person held to service or labour in any State or territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labour may be due.

Sect. 3.—1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other

State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide Governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial Government; and the inhabitants of the several Confederate States and territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the legislature (or of the executive, when the legislature is not in session), against domestic violence.

ART. V.—Sect. 1.—1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general Convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ART. VI.—1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Con-

federate States under this Constitution as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all Treaties made or which shall be made under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

ART. VII.—1. The ratification of the Convention of 5 States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When 5 States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice-President, and for the meeting of the Electoral College, and for counting the votes, and inaugurating the President. They shall also prescribe the time for holding the first election of members of Congress, under this Constitution, and the time for assembling the same. * Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

EXTRACT FROM THE JOURNAL OF CONGRESS.

Congress, March 11, 1861.

ON the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays, and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, and Fearn, of Alabama (Messrs. Chilton and Lewis being absent); Messrs. Morton, An-

derson, and Owens, of Florida; Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens, of Georgia (Messrs. Crawford and Kenan being absent); Messrs. Perkins, de Clouet, Conrad, Kenner, Sparrow, and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, of Mississippi (Mr. Campbell being absent); Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce, of South Carolina; Messrs. Reagan, Hemphill, Waul, Gregg, Oldham, and Ochiltree, of Texas (Mr. Wigfall being absent).

J. J. HOOPER, *Secretary of the Congress.*

Congress, March 11, 1861.

I do hereby certify that the foregoing are, respectively true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays on the question of the adoption thereof.

HOWELL COBB, *President of the Congress.*

(7.)—ORDINANCE to dissolve the Union between the State of South Carolina and other States united with her under the compact entitled "The Constitution of the United States of America."—Columbia, December 20, 1860.

WE, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in Convention on the 23rd day of May, in the year of our Lord 1788, whereby the Constitution of The United States was ratified, and also all acts and parts of acts of the General Assembly of the State ratifying amendments of the said Constitution, are hereby repealed, and the Union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

D. F. JAMISON, *Delegate from Barnwell, and President of Convention, and 170 Delegates.*

(8.)—ORDINANCE to dissolve the Union between the State of Florida, and other States united under the compact entitled "The Constitution of the United States of America."—Tallahassee, January 7, 1861.

WHEREAS, all hope of preserving the Union upon terms consistent with the safety and honor of the slaveholding States, has been fully dissipated by the recent indications of the strength of the anti-slavery sentiment of the free States: therefore,

Be it enacted by the people of Florida, in Convention assembled, that it is undoubtedly the right of the several States of the Union, at such time and for such cause as in the opinion of the people of such States, acting in their sovereign capacity, may be just and proper, to withdraw from the Union, and, in the opinion of this Convention, the existing causes are such as to compel Florida to proceed to exercise this right.

We, the people of the State of Florida, in Convention assembled, do solemnly ordain, publish, and declare that the State of Florida hereby withdraws herself from the Confederacy of States existing under the name of The United States of America, and from the existing Government of the said States; and that all political connection between her and the Government of said States ought to be, and the same is hereby totally annulled, and said Union of States dissolved; and the State of Florida is hereby declared a sovereign and independent nation; and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded; and all laws, or parts of laws, in force in this State, in so far as they recognize or assent to said Union, be and they are hereby repealed.

(9).—ORDINANCE *to dissolve the Union between the State of Mississippi, and the other States united under the compact entitled "The Constitution of the United States of America."*—Jackson, January 9, 1861.

THE people of Mississippi in Convention assembled, do ordain and declare, and it is hereby ordained and declared, as follows, to wit:

Sect. 1. That all the laws and ordinances by which the said State of Mississippi became a Member of the Federal Union of The United States of America be, and the same are hereby repealed, and that all obligations on the part of the said State, or the people thereof, be withdrawn, and that the said State does hereby resume all the rights, functions, and powers which by any of the said laws and ordinances were conveyed to the Government of the said United States, and is absolved from all the obligations, restraints, and duties incurred to the said Federal Union, and shall henceforth be a free, sovereign, and independent State.

Sect. 2. That so much of the section 1 of Article VII. of the Constitution of this State, as requires Members of the Legislature and all officers, both legislative and judicial, to take an oath to support the Constitution of The United States, be, and the same is hereby abrogated and annulled.

Sect. 3. That all rights acquired and vested under the Constitution of The United States, or under any act of Congress passed in

pursuance thereof, or any law of this State, and not incompatible with this ordinance, shall remain in force, and have the same effect as if the ordinance had not been passed.

Sect. 4. That the people of the State of Mississippi hereby consent to form a Federal Union with such of the States as have seceded or may secede from the Union of The United States of America, upon the basis of the present Constitution of The United States, except such parts thereof as embrace other portions than such seceding States.

(10.)—ORDINANCE to dissolve the Union between the State of Alabama and other States united under the compact styled "*The Constitution of the United States of America.*"—*Montgomery, January 11, 1861.*

WHEREAS the election of Abraham Lincoln and Hannibal Hamlin to the offices of President of The United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of The United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security: therefore,

Be it declared and ordained by the people of the State of Alabama in Convention assembled, that the State of Alabama now withdraws, and is hereby withdrawn from the Union known as "*The United States of America,*" and henceforth ceases to be one of said United States, and is, and of right ought to be, a sovereign and independent State.

Sect. 2. Be it further declared and ordained by the people of the State of Alabama in Convention assembled, that all the powers over the territory of said State, and over the people thereof, heretofore delegated to the Government of The United States of America, be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the people of The State of Alabama.

And as it is the desire and purpose of the State of Alabama to meet the slaveholding States of the South who may approve such purpose, in order to frame a provisional as well as permanent Government, upon the principles of the Constitution of The United States:

Be it resolved by the people of Alabama in Convention assembled, that the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi,

Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, be, and are hereby, invited to meet the people of the State of Alabama, by their delegates, in Convention on the 4th day of February, A.D. 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, that the President of this Convention be, and is hereby, instructed to transmit forthwith a copy of the foregoing preamble, ordinance, and resolutions, to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama in Convention assembled, at Montgomery, on this, the 11th day of January, A.D. 1861.

WM. M. BROOKS, *President of the Convention.*

(11.)—ORDINANCE to dissolve the Union between the State of Georgia, and other States united with her under the compact of Government, entitled "*The Constitution of The United States.*"—Milledgeville, January 19, 1861.

WE, the people of the State of Georgia, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the people of Georgia in Convention in the year 1788, whereby the Constitution of The United States was assented to, ratified, and adopted, and also all Acts and parts of Acts of the General Assembly ratifying and adopting the amendments to the said Constitution, are hereby repealed, rescinded, and abrogated; and we do further declare and ordain, that the Union now subsisting between the State of Georgia and other States, under the name of The United States of America, is hereby dissolved; and that the State of Georgia is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

(12.)—ORDINANCE to dissolve the Union between the State of Louisiana and other States united with her under the compact entitled "*The Constitution of the United States of America.*"—Baton Rouge, January 26, 1861.

WE, the people of the State of Louisiana, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance passed by us in Convention on the 22nd day of November, in the year 1811, whereby the Constitution of The United States of America, and the amendments of said Constitution, were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be, and

the same are hereby, repealed and abrogated; and that the union now subsisting between Louisiana and other States, under the name of "The United States of America," is hereby dissolved.

We do further declare and ordain, that the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of The United States of America; that her citizens are absolved from all allegiance to said Government; and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

We do further declare and ordain, that all rights acquired and vested under the Constitution of The United States, or any act of Congress or Treaty, or under any law of this State and not incompatible with this ordinance, shall remain in force, and have the same effect as if this ordinance had not been passed.

The Undersigned hereby certifies that the above ordinance is a true copy of the original ordinance adopted this day by the Convention of the State of Louisiana.

Given under my hand and the great seal of Louisiana, at Baton Rouge, this 26th day of the month of January, in the year of our Lord, 1861.

A. MOUTON, *President of the Convention.*

J. THOMAS WHEAT, *Secretary of the Convention.*

(13.)—ORDINANCE to dissolve the Union between the State of Texas, and the other States under the compact styled "*The Constitution of the United States of America.*"—*Austin, February 1, 1861.*

SEC. I. Whereas the Federal Government has failed to accomplish the purposes of the compact of union between these States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and whereas the action of the Northern States is violative of the compact between the States and the guarantees of the Constitution; and whereas the recent developments in Federal affairs make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interests and property of the people of Texas and her sister slaveholding States, instead of permitting it to be, as was intended—our shield against outrage and aggression; therefore, "We, the people of the State of Texas, by delegates in the Convention assembled, do declare and ordain that the ordinance adopted by our Convention of delegates on the 4th day of July, A.D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into the Union with other States, and became a party to the compact styled '*The Constitution of The United States of America,*' be, and is hereby repealed and annulled.

[1860-61. J.I.]

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That all the powers which, by the said compact, were delegated by Texas to the Federal Government are resumed. That Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign State, and that her citizens and people are absolved from all allegiance to The United States or the Government thereof.

II. The ordinance shall be submitted to the people of Texas for their ratification or rejection, by the qualified voters, on the 23rd day of February, 1861; and unless rejected by a majority of the votes cast, shall take effect and be in force on and after the 2nd day of March, A.D. 1861.* Provided that in the representative district of El Paso said election may be held on the 18th day of February, 1861.

Done by the people of the State of Texas, in Convention assembled, at Austin, the 1st day of February, A.D. 1861.

(14.)—ORDINANCE to repeal the Ratification of the Constitution of the United States of America, by the State of Virginia, and to resume all the Rights and Powers granted under said Constitution. —Richmond, April 17, 1861.

THE people of Virginia, in the ratification of the Constitution of the United States of America, adopted by them in Convention, on the 25th day of June, in the year of our Lord 1788, having declared that the powers granted under the said Constitution were derived from the people of The United States, and might be resumed whenever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern slaveholding States;

Now, therefore, we, the people of Virginia, do declare and ordain, that the Ordinance adopted by the people of this State in Convention on the 25th day of June, in the year of our Lord 1788, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State ratifying or adopting amendments to said Constitution, are hereby repealed and abrogated; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State. And they do further declare that said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This Ordinance shall take effect and be an Act of this day, when ratified by a majority of the votes of the people of this State, cast at

* Adopted 4th March, 1861.

a poll to be taken thereon, on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted.*

Done in Convention in the city of Richmond, on the 17th day of April, in the year of our Lord 1861, and in the 85th year of the commonwealth of Virginia.

JNO. L. EUBANK, *Secretary of Convention.*

(15.)—CONVENTION *between the Commonwealth of Virginia and the Confederate States of America.*—*Richmond, April 24, 1861.*

THE Commonwealth of Virginia, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America, according to the provisions of the Constitution for the Provisional Government of said States, enters into the following temporary Convention and agreement with said States, for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said Commonwealth and said Confederacy :

1st. Until the union of said Commonwealth with said Confederacy shall be perfected, and said Commonwealth shall become a member of said Confederacy, according to the Constitutions of both Powers, the whole military force and military operations, offensive and defensive, of said Commonwealth, in the impending conflict with The United States, shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis, and footing as if said Commonwealth were now, and during the interval, a member of said Confederacy.

2nd. The Commonwealth of Virginia will, after the consummation of the union contemplated in this Convention, and her adoption of the Constitution for a permanent Government of said Confederate States, and she shall become a member of said Confederacy under said permanent Constitution, if the same occur, turn over to said Confederate States all the public property, naval stores, and munitions of war, &c., she may then be in possession of, acquired from The United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

3rd. Whatever expenditures of money, if any, said Commonwealth of Virginia shall make before the union under the Provisional Government, as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This Convention entered into and agreed to in the city of Richmond, Virginia, on the 24th day of April, 1861, by Alexander H. Stephens, the duly authorized Commissioner to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for said

* Adopted 25th April, 1861.

Commonwealth of Virginia; the whole subject to the approval and ratification of the proper authorities of both Governments respectively.

In testimony whereof the parties aforesaid have hereto set their hands and seals, the day and year aforesaid, and at the place aforesaid, in duplicate originals.

(L.S.) ALEXANDER H. STEPHENS,
 (L.S.) JOHN TYLER. *Commissioner for Confederate States.*
 (L.S.) WM. BALLARD PRESTON.
 (L.S.) S. McD. MOORE.
 (L.S.) JAMES P. HOLCOMBE.
 (L.S.) JAMES C. BRUCE.
 (L.S.) LEWIS E. HARVIE.
Commissioners for Virginia.

Approved and ratified by the Convention of Virginia, on the 25th day, of April, 1861.

JOHN JANNEY, *President.*

(16.)—ORDINANCE to dissolve the Union between the State of Arkansas, united under the compact entitled "*The Constitution of the United States of America.*"—May 6, 1861.

WHEREAS, in addition to the well-founded causes of complaint set forth by this Convention, in resolutions adopted on the 11th March, A.D. 1861, against the sectional party now in power at Washington City, headed by Abraham Lincoln, he has, in the face of resolutions passed by this Convention, pledging the State of Arkansas to resist to the last extremity any attempt on the part of such power to coerce any State that seceded from the old Union, proclaimed to the world that war should be waged against such States until they should be compelled to submit to their rule, and large forces to accomplish this have by this same power been called out, and are now being marshalled to carry out this inhuman design, and to longer submit to such rule or remain in the old Union of The United States would be disgraceful and ruinous to State of Arkansas;

Therefore, we the people of the State of Arkansas, in Convention assembled, do hereby declare and ordain, and it is hereby declared and ordained, that the "ordinance and acceptance of compact," passed and approved by the General Assembly of the State of Arkansas, on the 18th day of October, A.D. 1836, whereby it was by said General Assembly ordained that, by virtue of the authority vested in said General Assembly, by the provisions of the ordinance adopted by the convention of delegates assembled at Little Rock, for the purpose of forming a Constitution and system

of Government for said State, the propositions set forth in "an Act supplementary to an Act entitled an Act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of The United States within the same, and for other purposes, were freely accepted, ratified, and irrevocably confirmed articles of compact and union between the State of Arkansas and The United States," and all other laws and every other law and ordinance, whereby the State of Arkansas became a member of the Federal Union, be, and the same are hereby in all respects and for every purpose herewith consistent repealed, abrogated, and fully set aside; and the union now subsisting between the State of Arkansas and the other States, under the name of the United States of America, is hereby for ever dissolved.

And we do further hereby declare and ordain, that the State of Arkansas hereby resumes to herself all rights and powers heretofore delegated to the Government of the United States of America—that her citizens are absolved from all allegiance to said Government of The United States, and that she is in full possession and exercise of all the rights and sovereignty which appertain to a free and independent State.

We do further ordain and declare, that all rights acquired and vested under the Constitution of the United States of America, or of any Act or Acts of Congress, or Treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in full force and effect, in nowise altered or impaired, and have the same effect as if this ordinance had not been passed.

(17.)—ORDINANCE to dissolve the Union between the State of North Carolina, united under the compact entitled "*The Constitution of The United States.*"—*Raleigh, May 20, 1861.*

WE, the people of the State of North Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the State of North Carolina, in the Convention of 1789, whereby the Constitution of The United States was ratified and adopted, and also all Acts and parts of Acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded, and abrogated.

We do further declare and ordain that the Union now subsisting between the State of North Carolina and the other States, under the title of the United States of America, is hereby dissolved, and that the State of North Carolina is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Done at Raleigh, 20th day of May, in the year of our Lord 1861.

(18.)—ORDINANCE of the State of North Carolina for the adoption of the Constitution of the Provisional Government of the Confederate States of America.—Raleigh, May 20, 1861.

WE, the people of North Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the State of North Carolina does hereby assent to and ratify the Constitution for the Provisional Government of the Confederate States of America, adopted at Montgomery, in the State of Alabama, on the 8th of February, 1861,* by the Convention of Delegates from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, and that North Carolina will enter into the federal association of States upon the terms therein proposed, when admitted by the Congress or any competent authority of the Confederate States.

Done at Raleigh, 20th day of May, in the year of our Lord 1861.

(19.)—CONVENTION between the State of Tennessee and the Confederate States of America.—May, 1861.

THE State of Tennessee, looking to a speedy admission into the Confederacy established by the Confederate States of America, in accordance with the constitution for the Provisional Government of said States, enters into the following temporary convention, agreement, and military league with the Confederate States, for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said States, and said Confederacy.

1. Until the said State shall become a member of said Confederacy, according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said State, in the impending conflict with The United States, shall be under the chief control and direction of the President of the Confederate States, upon the same basis, principles, and footing, as if said State were now and during the interval a member of the said Confederacy—said forces, together with those of the Confederate States, to be employed for the common defence.

2. The State of Tennessee will, upon becoming a member of said Confederacy, under the permanent Constitution of said Confederate States, if the same shall occur, turn over to said Confederate States all the public property, naval stores, and munitions of war, of which she may then be in possession, acquired from The United States, on the same terms and in the same manner, as the other States of said Confederacy have done in like cases.

3. Whatever expenditures of money, if any, the said State of Tennessee shall make before she becomes a member of said Confederacy, shall be met and provided for by the Confederate States.

* Page 871.

(20.)—*DECLARATION of Independence and Ordinance dissolving the Federal relations between the State of Tennessee and the United States of America.*—May, 1861.

1st. WE, the people of the State of Tennessee, waiving an expression of opinion as to the abstract doctrine of secession, but asserting the right as a free and independent people to alter, reform, or abolish our form of Government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America, are hereby abrogated and annulled, and that all obligations on our part be withdrawn therefrom: and we do hereby resume all the rights, functions, and powers which by any of said laws and ordinances were conveyed to the Government of The United States, and absolve ourselves from all the obligations, restraints, and duties incurred thereto: and do hereby henceforth become a free, sovereign, and independent State.

2. We furthermore declare and ordain, that Article X, Sections 1 and 2 of the Constitution of the State of Tennessee, which requires members of the General Assembly, and all officers, civil and military, to take an oath to support the Constitution of The United States, be and the same are hereby abrogated and annulled, and all parts of the Constitution of the State of Tennessee, making citizenship of The United States a qualification for office, and recognizing the Constitution of The United States as the supreme law of this State, are in like manner abrogated and annulled.

3. We furthermore ordain and declare that all rights acquired and vested under the Constitution of The United States, or under any Act of Congress passed in pursuance thereof, or under any laws of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

(21.)—*ORDINANCE of the State of Tennessee for the adoption of the Constitution of the Provisional Government of the Confederate States of America.*—May, 1861.

WE, the people of Tennessee, solemnly impressed by the perils which surround us, do hereby adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the 8th of February, 1861,* to be in force during the existence thereof, or until such time as we may supersede it by the adoption of a permanent Constitution.

TREATY of Union between the Argentine Confederation and Buenos Ayres.—Concluded at Paraná, June 6, 1860.

[Ratifications exchanged at Paraná, June 19, 1860.]

(Translation.)

HIS Excellency the Governor of Buenos Ayres, and HIS Excellency the President of the Argentine Confederation, desiring to accomplish the important work of National Union, arranged by the Treaty of Peace and Union concluded at San José de Flores the 11th November, 1859,* &c.: have appointed as Commissioners with full powers; the former, Dr. Don Dalmacio Velez Sarsfield, and the latter, His Excellency the Minister of War and Marine, Colonel Don Benjamin Victorica, and Deputy Dr. Don Daniel Araoz, who after examining their full powers and finding them in good and due form have determined upon the following Articles:

ART. I. The National Government immediately upon receiving from that of Buenos Ayres assurance of the authenticity of the reforms presented by the Provincial Convention, shall communicate the same to the Legislative Congress now sitting, in order that the Convention *ad hoc* may be convoked without loss of time, to take them into consideration, in accordance with the stipulation in Article V of the Treaty of 11th November last.

II. Immediately upon the issue of the decree by Congress, the National Government shall appoint the day for the election of Members for the Convention, which shall be as early as possible, time and distance being taken into consideration, and shall inform the Government of Buenos Ayres thereof, in order that it may convoke the people of that Province, the National Government proceeding with the other Provinces according to the forms established.

III. Buenos Ayres having by Article V of the Treaty of 11th November, the right of sending Deputies in proportion to her population, this right implies that the other Provinces shall do the same; and the want of any correct census placing a difficulty in the way of an early arrangement, Buenos Ayres accepts as a basis for the number of her Deputies Article XXXIV of the National Constitution,† which the National Government also accepts for the remaining Provinces.

IV. As it is desirable that this body shall be the truest representation of the real and general interests of the country, it is recommended as a further qualification for National Deputies, that they be natives of, or residents in the Provinces which elect them.

V. As it is necessary to support the decisions of the Conven-

* Vol. L. Page 690.

† Of 1st May, 1853. Vol. XLII. Page 779.

tion with all possible guarantees and prestige, in order that they may never be impugned as springing from force or violence and may have the authority of reason freely manifested, both Governments declare that the Convention and the Deputies shall have all those immunities, privileges, and exemptions which the laws of the Republic have always accorded and decreed to national bodies and their members; the said Convention shall meet in the city of Santa Fé, the National Authorities guaranteeing that protection and respect which are due to it by those laws.

VI. To avoid delays the Provincial Governments and that of Buenos Ayres shall respectively receive the resignations of Deputies elected, and shall proceed to new elections.

VII. Vacancies which may occur among Deputies incorporated in the Convention *ad hoc*, by resignation or other causes, can only be filled up by its own resolution, communicated to the respective Governments including that of Buenos Ayres.

VIII. The Convention *ad hoc*, shall terminate its sittings within 30 days from the day of opening, which shall be one month after the day of election.

IX. The Convention *ad hoc* so soon as it has determined concerning the reforms proposed by Buenos Ayres, shall communicate the result to the National Government and to that of Buenos Ayres, for the purposes and effects provided in the former Treaty, and detailed in the present, and shall then close its sittings.

X. In virtue of the provisions of the said Treaty and of the present, 15 days after the sanction of the Convention *ad hoc* the Government of Buenos Ayres shall decree the promulgation and swearing of the National Constitution.

XI. When the National Constitution has been sworn by Buenos Ayres, the sessions of the Legislative Congress shall be prorogued in order that the Deputies and Senators from Buenos Ayres may join, or an extraordinary session shall be convoked with the same object; in order that that Province may exercise its full rights as soon as possible, by taking part in the national legislation which shall govern her.

XII. The Government of Buenos Ayres shall continue the arrangement and administration of all the objects included in the estimates for 1859, even though they naturally depend upon national authorities, until the Deputies of Buenos Ayres shall have joined Congress, and the latter shall have decided upon the mode of carrying out the guarantee given to Buenos Ayres by Article VIII of the Treaty of 11th November.

XIII. In the preceding Article, the clause relating to Foreign Relations is excepted, Buenos Ayres having suspended it by Article VI of the Treaty.

XIV. Meantime the Government of Buenos Ayres in order to contribute its quota to the National expenses shall pay to the National Government the sum of 1,500,000 dollars currency monthly, commencing from the date of the ratification of the present Treaty.

XV. The National Government considering the Province of Buenos Ayres, as it is, an integral part of the nation, agrees to aid it in the defence of its frontiers against the savages, and to that effect shall order the approach of two regiments of cavalry to the dividing line of Buenos Ayres, to be under the orders of the Commandant General of the northern frontier of that Province, in order that they give the required assistance in case of an invasion of Indians or in the pursuit of them.

XVI. The Legislative Congress, when the Deputies from Buenos Ayres shall have joined, shall decree as quickly as possible the measures necessary to place the Custom-Houses upon one uniform basis, and to improve the protection of general commerce as far as possible; meantime the customs laws and practises observed at present shall continue in force.

XVII. The natural and manufactured products of Buenos Ayres are free of duty on entering the Custom-Houses of the other provinces; and their produce and manufactures shall likewise be free in hers.

XVIII. The National Government desiring that there may be yet another bond of union offers to decree, in due form, laws and regulations which may be esteemed favourable to reciprocal commerce, to receive the paper money of Buenos Ayres in the Custom-Houses of the Confederation, in such quantity as it may judge fit.

XIX. The present definitive Treaty of Union shall be ratified within 10 days, and exchanged in the city of Paraná within 5 days after if possible.

In faith whereof the Commissioners of both Governments have signed and sealed it with their respective seals. Done in the city of Paraná, the 6th day of June, 1860.

(L.S.) DALMACIO VELEZ SANSFIELD.

(L.S.) BENJAMIN VICTORICA.

Secretaries: (L.S.) DANIEL ARAOZ.

VICENTE G. QUESADA.

JOSE MARIA CANTILLO.

DECREE of the President of Honduras, promulgating the Contract of February 22, 1859, between Honduras and the North American "Agricultural and Navigation Company," for the Navigation of the Rivers Aguan, Tinto, and Patook, and for Colonization in the Department of Olancho.—Comayagua, February 20, 1860.

(Translation.)

SANTOS GUARDIOLA, General of Division, well-deserving of the country, and President of the Republic of Honduras.

Whereas the Chamber of Deputies has decreed, and the Senate has approved the following :

The Chamber of Deputies of the State of Honduras, taking into consideration that the contracts for steam navigation in the rivers Aguan, Tinto and Patook, and for the colonization, in the department of Olancho, by agricultural and industrious persons from Europe, adjusted by Commissioners amply authorized, between the Executive Power of the State, and a New York Company composed of Messrs. Raymond K. Weed, William C. Burchard, William R. Storrs, John A. Weed, and Isaac Newton, entitled "Agricultural and Navigation Company," are of evident utility, inasmuch as they tend to establish an easy communication between the interior of the said department of Olancho and the Atlantic Ocean, and tend to give an impetus to agriculture, and to people some of the waste lands of the State with industrious inhabitants, has been pleased to decree, and decrees as follows :

Sole Article. The aforesaid Contracts of Navigation and Colonization in the department of Olancho are approved on the terms agreed upon. And therefore they shall be held and observed as laws of the State.

NUMBER I.

The tenor of the Contracts is as follows :—The Supreme Government of the State of Honduras on the one part, and Raymond K. Weed and William C. Burchard, and their associates, Messrs. William R. Storrs and John A. Weed, entitling themselves "the Agricultural and Navigation Company of New York" on the other part, with the object of adapting and making navigable one or more of the principal rivers of the former State, and of establishing a colony in the lands thereof, have agreed for that object to enter into a contract upon equitable and reasonable principles. With that view the Government has authorized its General Minister Don Florencio Xatruch, and the Company has authorized the said Raymond K. Weed and William C. Burchard, who by common consent have stipulated the following Articles.

SECTION I.—ART. I. The State of Honduras concedes to the

said Company the exclusive right and privilege of steam navigation on the rivers Aguan, Tinto and Patook, and their tributaries, one or more of them, with the powers to make free use of the lakes, lands and waters, and natural materials, that may be convenient and necessary for the specified objects.

II. The State grants to all vessels that may navigate in connexion with the rivers, and that may be employed in the trade peculiar to the Company, the privilege of coming in and going out of the ports, lakes, and rivers of the State, provided that the said vessels comply with the laws of the State.

III. The said Company undertakes at its own expense to cleanse, put in order, and make navigable, one or more of the rivers mentioned in Article I of the contract, commencing the said works from the mouths of the rivers, and following them up to such part thereof as may be most practicable towards their source, removing all obstructions that may impede the free passage of the steamers, making all artificial canals that may be necessary, constructing wharves, and putting up buildings in different parts of the rivers for the deposit of fuel, coal, and other articles that may be required for the consumption of the steamers.

IV. The State taking into consideration that the establishment of ports on one or more of the before mentioned rivers would be very advantageous for the interior trade, consents that the said Company after having concluded the works treated of in Article III, and after having set one or more steamers to work, shall select the fittest and most favourable places for the establishment of the said ports; and the Company on its part obliges itself to defray all necessary charges in such places as may be selected for the construction of the buildings that may be required for the administration of Custom-Houses and the persons employed therein. The said Custom-Houses shall be on account and for the benefit of the State.

V. The mails, warlike stores and other useful objects belonging to the State shall have free passage in the Company's steamers; and for passengers, goods, wares, and property of every description, the Company undertakes to fix a tariff of tolls and charges at the lowest possible price; but in no case can the Company introduce arms or warlike stores without express orders from the Government.

VI. The said Company shall have the right to constitute itself into a company of shareholders; to create, sell, or otherwise dispose of its capital, and to establish statutes and regulations for the administration of its own affairs, and for the appointment of the employés that may be deemed necessary, and all its capital and property shall be exempt from imposts, contributions, or other charges and duties on the part of the State.

VII. The said Company shall enjoy exclusively the rights and

privileges that are conceded to it by this Contract, for the term of 40 years, reckoned from the day on which the works here treated of are finished and put into operation, and during that period of time the State agrees that no similar concession or contract shall be made to any other person or Company whatsoever, for any of the objects specified in this contract in the rivers referred to.

VIII. If, after the lapse of 18 months from the approval of this contract by the Supreme Government and the Agricultural and Navigation Company, no preparatory work shall have been done for carrying the undertaking into effect, the contract shall for that reason be null and of no value, and the Government will withdraw the concessions therein granted.

IX. The said Company is bound to render to the Supreme Government annually an exact account of the progress of the works, a list of the steamers, and other vessels employed therein and in general a statement of the position in which the Company finds itself.

X. These stipulations shall be without effect if the sovereign legislative body of the State of Honduras should not deem fit to approve them.

Concluded at Comayagua, the 22nd day of February, 1859.

FLORENCIO XATRUCH.

RAYMOND K. WEED.

W. C. BURCHARD.

NUMBER II.

THE Supreme Government of the State of Honduras on the one part, and Raymond K. Weed and William C. Burchard and their associates Messrs. William Storrs and John H. Weed, entitling themselves the Agricultural and Navigation Company of New York, on the other part, being desirous of developing the riches of the soil of this State, which cannot fail of being accomplished by the employment of a judicious system of agriculture; and as, for this purpose it is necessary to establish in this territory a colony of people devoted to agriculture, who by their experience and industry may realize objects so advantageous for the country, have agreed to conclude a contract for this purpose upon equitable and reasonable principles. With this view the Government has authorized its Minister General Don Florencio Xatruch, and the Company has authorized the aforesaid Raymond K. Weed and William C. Burchard, who by common consent have stipulated the following Articles:

SECT. 1.—ART. I. In order to give an impulse to agriculture and to settle an industrious population on some of the waste lands of the State, the Supreme Government concedes to the Agricultural and

Navigation Company the right to establish a colony of Europeans, such as Germans, Belgians, and Italians, on the principle of their subjection to the laws and authorities of the State, and that the colonists be free and not slaves.

II. The Government bestows on the said Company 300 caballerias (120 acres to a caballeria) of waste land contiguous to the rivers which the Company proposes to make navigable, or to one of them which may be deemed eligible for colonization, with the right of purchasing a number of caballerias of the public lands of the State, not exceeding the amount of 500 caballerias at the fixed price of 50 dollars for each of them.

III. The Government grants to the said Company, for each of the male individuals of 21 years of age introduced by means of the Company: 1st, for the men with families, one caballeria of land; for single men, half that quantity in waste lands that may be fit for tillage. The expense of the means used and of the measures previously taken for improving the lands to be borne by the Company.

IV. The Company engages to devote its efforts to promote the establishment of the colony, giving to the colonists a passage with their luggage from the place whence they may embark, to the spot to which they may be destined, and providing them with all instruments, seeds, animals, &c., that may be required in order to commence their labours; and to do its best to augment the produce of the lands, and consequently the riches of the State.

V. When the Company shall have formed a population sufficiently numerous to establish a town, it shall receive the municipal investiture from the Supreme Government, and the league of land prescribed in such cases by the laws of the State, without prejudice to the concessions in Articles II and III of this Contract. The Company will reserve for the public benefit the land necessary for the streets, squares, roads, public works and edifices.

VI. The Company and the immigrants established in the said colony will be subject to all the laws and authorities of the State, but they shall be free for the term of 10 years; 1st, from all direct imposts and personal contributions; 2ndly, from military service, and from all other public charges which do not arise from their municipal duties, excepting solely in case of foreign invasion, when the colonists will be obliged to afford such assistance as the Government may direct.

VII. The Company shall have the right of choosing and marking out immediately at the places indicated in Article II, the land which it may judge most fit for the establishment of the said colony, depositing with the political Chief of the Department of Olancho a statement of the localities so chosen, and for this con-

cession as well as for those mentioned in Article III, the said Political Chief will take the necessary steps to put the Company in possession according to its request, and will grant the titles in due form.

VIII. It is stipulated that the number of colonists which the Company may introduce shall not exceed 500 men; the Supreme Government reserving to itself the right of increasing this number, if it should think fit and the Company should request it.

IX. The contracts, powers, and any kind of public documents whatsoever of voluntary jurisdiction, drawn up beyond the territorial jurisdiction of the State, conformably to the laws of the respective countries, and executed before competent judges or notaries public, shall be obligatory in Honduras, and shall possess the same effect for their due fulfilment, as if they had been made in the State; provided always that their authenticity be certified by some of the Agents of the Government in Europe or The United States, and also by the tribunals and offices of the State for their authenticity.

X. The Supreme Government grants to the Company and to its colonists the privilege of introducing all their household furniture, instruments, and other necessary articles that they may require for their works and buildings, free from all description of duty for the term of 10 years, reckoned from the day that this contract shall be approved of by the Supreme Government. Likewise it grants to them the free exportation of their produce; but all merchandize and other articles* that may be imported with the object of selling or exchanging them, shall be subjected to inspection by the proper officers, and they shall pay the duties established by the tariff of the State.

XI. The said Company is bound to render to the Supreme Government annually an exact account of the progress of the colony, with a list of the names of those persons newly arrived, their profession, age, condition, and the lands they may have received, as also the number of the houses and cattle and the extent of land that may be under cultivation, with a description of the grounds appropriated and sown with grain, and the amount of the crops.

XII. If after the lapse of 18 months from the approval of this Contract by the Legislative Power, the Company of Colonization and Agriculture shall not have made any progress preparatory to carrying the enterprize into effect, this Contract shall for that reason become null and of no value, and the Supreme Government will withdraw the grants made therein.

XIII. The Company shall have the use of all the lakes, lands, waters, and natural materials belonging to the State, but it shall be understood that this grant shall be limited to the sole use of the colony, and not for exportation or sale.

XIV. All that is herein stipulated shall be without any effect if

the supreme legislative body of the State of Honduras should not deem it fitting to approve thereof.

Concluded at Comayagua, the 22nd day of February, 1859.

FLORENCIO XATRUCH.

RAYMOND K. WEED.

WM. C. BURCHARD.

Let it pass to the Senate

Given at Comayagua, in the Sessions Hall of the Chamber of Deputies, February 15, 1860.

NORBERTO MARTINEZ, *President.*

MANUEL FERNANDEZ, *Secretary.*

RAFAEL TIJERINO, *Secretary.*

Chamber of the Senate, Comayagua, February 17, 1860.

FRANCISCO MONTES, *President.*

JOSE MEDINA, *Secretary.*

To the Executive Power.

Wherefore let it be carried into execution.

The Minister of State will take cognizance of it, and will order that it be printed and published.

Given at Comayagua, in the Government House, February 20, 1860.

MANUEL COLINDRES, *Minister.*

SANTOS GUARDIOLA.

We, the Undersigned, the first, as Special Commissioner of the Supreme Government of the Republic of Honduras, and the next two as copartners, and representatives of the New York Company in the contracts of agriculture and navigation promoted by the said Company, and concluded in this capital on the 22nd of February, 1859, having examined and interchanged our respective Powers, and finding them sufficient and in due form, do finally establish the present Act, in virtue of which Raymond K. Weed and William C. Burchard, copartners and representatives of the said New York Company, ratify and accept in all and each of their parts, the foregoing contracts of agriculture and navigation, that bearing the No. 1 consisting of a preamble and 10 Articles, and the No. 2 of another preamble and 14 Articles, with the tenor of which word for word we are agreed. In faith whereof, we sign the present at Comayagua, the 22nd day of February, 1860.

FRANCISCO CRUZ.

RAYMOND K. WEED.

WILLIAM C. BURCHARD.

SANTOS GUARDIOLA, President of the Republic of Honduras.

Whereas Messrs. Raymond K. Weed and William C. Burchard, copartners and representatives of the Agricultural and Navigation Company of New York, fully authorized for that purpose, have accepted in all their parts the foregoing contracts on the same terms and conditions as the Legislative Assembly of the Republic has been pleased to approve of them, I therefore do decree:

SOLE ARTICLE. The foregoing contracts of navigation and colonization shall be held and considered as laws of the State.

Given in the city of Comayagua, at the Government House, this 22nd day of February, 1860.

MANUEL COLINDRES, *Minister*.

SANTOS GUARDIOLA.

And by order of His Excellency the General and President,
Let this be printed and published.

COLINDRES.

DECLARATION BELGE, relative à l'Arrestation de Marins, Déserteurs des Batiments Britanniques dans un des Ports de la Belgique.—Londres, le 24 Janvier, 1855.

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges près Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, &c., en vertu des ordres de son Gouvernement, est autorisé à faire la Déclaration dont la teneur suit :

Les Consuls de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les Marins qui auraient déserté des batiments de leur nation dans un des ports de la Belgique.

A cet effet, ils s'adresseront, par écrit, aux autorités locales compétentes et justifieront par l'exhibition, en original ou en copie dument certifiée, des registres du bâtiment ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie du dit équipage. Sur cette demande, ainsi justifiée, la remise leur sera accordée.

Il leur sera donné toute aide pour l'arrestation desdits déserteurs, qui seront même détenus et gardés dans les maisons d'arrêt du pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de 2 mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

Il est entendu que les marins, sujets de la Belgique, seront
[1860-61. LI.] 3 N

exceptés de la présente disposition, à moins qu'ils ne soient naturalisés citoyens d'un autre pays.

Si le déserteur avait commis quelque délit en Belgique son renvoi, serait différé jusqu'à ce que le tribunal compétent eut rendu son jugement et que ce jugement eut reçu son exécution.

La présente déclaration, à charge de réciprocité de la part du Gouvernement de Sa Majesté Britannique, portera ses effets le 10me jour à partir de son insertion au "Moniteur Belge," et jusqu'à notification contraire.

Fait à Londres, le 24 Janvier, 1855.

S. VAN DE WEYER.

LAW of Nicaragua, promulgating the Contract with the American Atlantic and Pacific Maritime Canal Company ("Central American Transit Company") of April 2, 1860.—Managua, July 12, 1861.

(Translation.)

TOMAS MARTINEZ, President of the Republic of Nicaragua, to the inhabitants thereof;

Whereas the Transit Contract of the 2nd of April, 1860, signed by the Licentiate Don Pedro Zeledon, in the name of the Government, and by Señor D. José Rosa Perez, representing the Company, has been accepted by the latter with the modifications made by the Legislature; which Contract and the Record are of the following tenor:

The President of the Republic makes known to the inhabitants thereof, that the Congress has ordained the following:

The Senate and Chamber of Deputies of the Republic of Nicaragua, decree,

ART. I. The Transit Contract made on the 2nd of April last year, between the Licentiate Don Pedro Zeledon, then Minister for Foreign Affairs, in the name of the Republic, and Señor Don José Rosa Perez on the part of the American Company of the Atlantic and Pacific Maritime Canal, which Contract consists of 26 Articles, is ratified in the following terms:

ART. I. After the exchange of the ratifications of the present Contract, the said American Company of the Atlantic and Pacific Maritime Canal, consisting of Messrs. John P. Yelverton, H. G. Stebbins, Nathaniel H. Walfe, Senior, Citizens of the United States of America, and their associates the other holders of shares in the capital of the said Company, shall be recognized in the Republic of Nicaragua as a corporate body politic, with perpetual succession under the name of the Central American Transit Company, for the purpose of carrying into full effect the objects of the present Con-

tract. The said Company can organize itself in the United States of America, according to the laws of the States of New York or New Jersey or Pennsylvania. It can sue and be sued before the tribunals of the Republic of Nicaragua in the same manner as the citizens thereof. Its body of directors shall possess all the powers and representation of the Company, without any limit as respects their relations with the Government of the Republic of Nicaragua. And although the said Company will be allowed to establish its general office in the city of New York in the United States of America, it shall be bound always to maintain a person fully authorized in the Republic of Nicaragua to represent the said Company judicially or otherwise, and it shall communicate to the Government the name of that person, and the place of his residence in the Republic.

II. The capital of the said Central-American Transit Company shall not exceed the nominal value of 3,000,000 dollars of the current legal value of the United States of America, which capital shall be distributed in shares of 100 dollars each, and in the said total sum of 3,000,000 dollars shall be included all the shares which up to the present time may have been issued in the name of the old American Company of the Atlantic and Pacific Maritime Canal, as also those which in future may be issued in the name of the Central American Transit Company.

III. The Government of the Republic grants to the said Central American Transit Company the exclusive privilege of establishing, as well as of managing and enjoying for the term of 50 years, reckoned from the date of the present Contract, a transit route between the Atlantic and Pacific oceans on such a line as the said Company may select, by its ports, rivers, lakes, and lands, by auxiliary canals, railroads, steam-vessels, and whatsoever other mode of transport the Company shall think fit to establish for the conveyance of passengers, mails, treasure, merchandize, and property of every description. But it is understood that the exclusive privilege of the Company to the transit from ocean to ocean shall not in any way restrict the interior trade of the Republic, in which the Company can employ their vessels and other means of conveyance without excluding others from participating therein also, and without any other special exemption but that of anchorage and tonnage dues, and all other charges whatsoever for its steam-vessels solely; the Company remaining on an equality with the citizens of Nicaragua in all other respects in regard to the interior trade.

IV. The Company can, without paying duties or imposts, introduce into the Republic, materials, machines, and any other articles required for the establishment, repair, and service of the inter-oceanic route; and can take materials and timber from the waste

lands of the Republic for the same purposes, but the lands must be waste at the time such materials or timber are taken from them ; and it can occupy such localities as it may require for the principal and accessory establishments of the line of communication, provided such localities may not have been destined for public works, nor belong to private individuals ; in which last case the Company can take possession of them on paying a previous indemnification, after a due valuation by well qualified appraisers. But whenever the Company shall have occasion to introduce the objects above mentioned, it shall give previous notice thereof to the revenue officer of the port whereat it intends to introduce them ; and whenever the Company may have occasion to take possession of lands, and take therefrom materials or timber as aforesaid, it shall give notice thereof to the prefect of the department wherein the said lands may be situated.

V. The Company engages to open the interoceanic route within the term of 6 months, reckoned from the date of the exchange of the ratifications of the present Contract, and to maintain it open during the existence thereof. But in case any unforeseen occurrence, such as an earthquake, epidemic, war, or anything similar in Nicaragua, or shipwreck, or burning of steamers at sea, should prevent the Company from opening the route within the term of 6 months fixed above, or from fulfilling any other of the stipulations of the present Contract, such omission shall not be considered as a failure on the part of the Company, and the time so lost shall be made good to it ; but if the impediment should have been occasioned by any obstruction in the port of San Juan del Norte, or low water in the river San Juan, in such case the Company shall have 16 months for the removal of such obstacles, commencing from the day of the date of the exchange ; but this term shall be fixed and indisputable, and, therefore, at its expiration, the Contract shall thereby cease without any recourse to the award of arbitration.

VI. The Government stipulates that all the vessels that may arrive at the licensed maritime ports at the ends of the interoceanic route with passengers or cargo of whatsoever kind to be transported, as also all vessels employed in the service of the said route, shall at all times come in, go out, navigate, and make use of, the said maritime ports, as also of all the lakes, rivers, and other interior waters of the Republic, free from dues of anchorage, tonnage, and any others whatsoever. And all the vessels of the lake and river employed in the interoceanic transit, as also all the passengers and cargo of all kinds that the Company shall transport from ocean to ocean shall pass exempt from search, interruption, or detention, and from every duty or charge. But if, owing to circumstances, the Government may deem it necessary for the security of the country

that the Company's steamers shall be searched, it may be done on their passing one of the forts on the route without detaining them for more than an hour. The Company, on its part, engages not to deliver any merchandize destined to remain within the country, without giving previous notice thereof to the Custom-House officer of the place, the Company being responsible according to the laws of the country for the omissions of its agents in this respect.

VII. If the Company should establish its route by the river San Juan, it may and must cause the necessary works to be done, in order that it may be navigable at all seasons of the year for steam vessels that may draw at least 16 inches, without the necessity of re-shipping but once throughout the line. And in general the Company shall have the right, as also the obligation, to make, both at the ends and along the course of the interoceanic route, wharves, and magazines, and to do other necessary works within the territory of Nicaragua, according to the necessities of general commerce, and such works must be completed by the Company within the term of 12 years, reckoned from the date of the present contract; it being agreed that in every case the Company shall be considered as having fulfilled its engagements if it shall have expended on the route at least the sum of 500,000 dollars, and in order that the Government of Nicaragua may have due information of the sum so expended, it shall be allowed once a year to inspect the books of the Company by means of a committee or agents that it may appoint for the purpose.

VIII. The Government grants to the Company the exclusive privilege of establishing as also of managing, for the same period as that of the interoceanic route, a telegraphic line between the ports at the extremities of the said route by the course which the Company may choose. The general tariff of the telegraphic line shall be fixed by the Company, but the Government of the Republic shall only be charged half the established rates. And it is understood that the telegraphic line shall be considered as an accessory establishment to the interoceanic route which the Company is to establish.

IX. The capital represented by the works of the line, as also the property of every description employed in the service of the same, shall be at all times exempt from every impost, contribution or charge on the part of the authorities of the Republic of whatsoever class.

X. As it is the intention of the Government that the interoceanic route established by the Company shall be open for the use of all the nations of the world, the Company shall convey by its route all passengers on the same conditions, and all freight of every kind whatsoever which may come for that purpose, be its nationality.

or origin what it may. But the Government reserves to itself the right of deciding what troops and munitions of war, and what foreign mails shall pass through its territory, and of conveying them or allowing them to be conveyed by any means of transport whatsoever, even if not belonging to the Company.

XI. The Company shall fix and communicate to the Government the general tariff of the prices of transport on the route, but these must be the same for every one, and must not be altered until 6 months after the alteration shall have been communicated to the Government and advertised. And, furthermore, the tariff shall be conformable to the stipulations which may have been agreed upon in the Treaties which actually exist between the Republic of Nicaragua and other nations, and in those that may in future be concluded on the same terms as the former ones.

XII. The Government of the Republic of Nicaragua engages to protect and defend the Company, by every means in its power, in the full enjoyment of the rights and privileges granted to it by the present contract; and being, moreover, desirous of favouring the realization of the important undertaking which is its object, stipulates that so long as the said contract shall not be legally annulled or rescinded, the Government will not enter into contracts, or make concessions, even conditionally, or at any future time, for establishing any other interoceanic route but that of the Central American Transit Company; nor will it consent that by combinations of local routes that may exist in the country, interoceanic lines may be formed to the detriment of the privilege conceded to the Company for performing the interoceanic transit.

XIII. For the same object of facilitating the realization of the objects of the present contract, the Government exempts from all public service, whether civil or military, national or municipal, all persons that may be employed in the service of the Company's route, if they have been so employed for at least 3 months in continuation; but this exemption shall not hold good in cases of actual foreign invasion of the Republic of Nicaragua.

XIX. The Government will furnish at the request of the Company, a military escort for the treasure that it may transport by its route from ocean to ocean, and for this service the Company will pay to the Government the sum that the latter may fix, and which will be fixed for each separate party. But in no wise shall it be understood that the Government makes itself responsible for any loss that may happen in the treasure so transported.

XV. The Company engages to convey gratuitously in the regular voyages of its steamers, the officials sent by Government on commission, the quarterly relief of the garrisons on the route and the mails of the Republic of Nicaragua.

XVI. In case of civil or national war, the Company is to observe strict neutrality, but in case of the invasion of the Republic of Nicaragua by filibusters or pirates, the Government may use the steamers of the Company for the conveyance of troops and warlike stores, in so far as may not interfere with the regular service of the transit; and even without this limitation in cases of actual invasion upon the transit route. For the use of the steamers the Government will pay the Company only for the current expenses of the said steamers during the time they may be employed, and will indemnify it according to the just valuation by professional persons appointed, one on each side, for the damage and evident deterioration that the said steamers may have suffered, and the payment shall be made without interest, the amount thereof being deducted from such sums as the Company may have to pay to the Government.

XVII. If the Government of the Republic should be a party to any Contract or Convention which may at present exist for the construction of a maritime canal across its territory, and the duration of the rights and privileges stipulated for in the present Contract should be incompatible with the terms and conditions of the said Contract or Convention, in such case the rights and privileges stipulated by the present Contract shall last solely until the complete execution of the work of the maritime canal, according to the terms of the said Contract or Convention.

XVIII. The Government sells to the Company the wharves, houses, steamers and the remains of steamers, and all the other effects and properties which belonged to the old transit by the department of Rivas, and which the Government possesses in the ports of San Juan del Norte, San Juan del Sur, the river San Juan and the Lake of Nicaragua, and between the Bahia de la Virgen, and the Port of San Juan del Sur, which sale, the Government makes to the Company for the total sum of 35,000 dollars, legal money of the United States of America; and which the Company shall pay, by delivering into the General Treasury of the Republic the sum of 5,000 dollars previous to taking possession of the objects sold, and paying a like sum subsequently at the end of each year, until the total sum of 35,000 dollars be completed; taking note that of this sum 10,000 dollars are the price of the lake steamer named *Virgen*, included amongst the property sold. The Government moreover lets to the Company for the period it may require it, during the existence of the present Contract, the road of the old transit route situated between the port of La Virgen, and that of San Juan del Sur, for which the Company shall pay to the Government the annual sum of 3,000 dollars legal money of The United States of America, which likewise must be paid into the General Treasury of the Republic. And the Company can make

such alterations as it may think proper in the road let to it; occupying the whole or part thereof with railroad or other works, and using it in any manner that may be required for the object of the transit route; it being agreed that the Company will not be bound to return the said road in the same condition as it was received.

XIX. The Company shall pay to the Government the sum of 200,000 dollars in free shares of its capital within 90 days after the exchange of the ratifications of the present contract, on sight of an order of the Government. The Company shall also pay to the same one dollar and a half for every passenger of either sex that it may convey from ocean to ocean, excepting only infants in arms. And the payment of this head money shall be made by the Company at the end of every month in the Republic of Nicaragua; and, in order to ascertain the number of passengers conveyed, the captains of the maritime vessels by which they have arrived shall exhibit to the captain of the respective port the list of passengers that they may have conveyed, and the agents of the Company shall submit to the Government the books, lists, and whatsoever data they may be able to furnish, and that may be required of them in order to obtain the information.

XX. The Company, being desirous of promoting the commerce of the Republic of Nicaragua, will make a reduction of one-half the passage money for passengers and the wharf duty established in the general tariff of its route, in favour of citizens of the Republic of Nicaragua, and will allow them the gratuitous use of the wharves that the said Company may have on the river San Juan and the Lake of Nicaragua, in so far as the said use does not embarrass the Company's own use of those wharves, and does not interfere with the general rules established for their use.

XXI. Both Contracting Parties by these presents renounce in the most absolute and effective manner, each in favour of the other, all rights or interests whatsoever that they may consider they had acquired in virtue of the contract made between them under date the 27th August, 1849, which was reformed by Convention of the 9th March, 1850, or of the Convention ratified on the 20th August, 1851, or in virtue of the law of incorporation of that same date, or of the contract of the 19th June, 1857, or of the explanatory Articles of the 20th October of the same year, or of any contracts whatsoever which may have been made between them, the said Contracting Parties, up to the present time, all which are null and of no value or effect. Likewise the same parties renounce and abandon for ever every claim, pretension, or demand to which they may think they have a right, the one against the other, for damage, injuries, compensation, or indemnifications, or for

any other consideration whatsoever. And it is understood that amongst the rights and interests renounced and abandoned as aforesaid are comprised all rights whatsoever, real or personal, that the said American Company of the Atlantic and Pacific Maritime Canal may think it possesses to or in lands or real property of any other description situated in the Republic of Nicaragua.

XXII. Although the said Central American Transit Company will be able to dispose of its capital in shares in such manner as it may think fit, it is expressly stipulated that it cannot alienate the present Contract in favour of any Government, company, or individual whatsoever, without the previous written permission of the Government of the Republic of Nicaragua.

XXIII. By any failure of the Central American Transit Company in fulfilling the stipulations of the present Contract, it will lose the rights and privileges that are herein conceded to it, on the previous decision of the tribunal of arbitrators hereinafter established, to whose cognizance every question that may occur between the Government and the Company regarding the execution of the present stipulations is to be submitted. But in case the Central American Transit Company should become complicated in foreign invasions against the Republic of Nicaragua or against any soever of the other Central American Republics; or in case the said Company should fail in their engagement to open an interoceanic route within the period fixed in Article V of the present Contract; or in case the said Company should fail in the payment of the 200,000 dollars in free shares of its capital, or in the payment of any of the sums which by the said Contract it has engaged to pay to the Government of the Republic of Nicaragua, the Government can at once suspend the action of the transit, and it shall remain, as agreed on, for the tribunal of arbitrators to decide whether or not the Contract has become vitiated by reason of the aforesaid omissions. It is to be understood that there shall be no arbitration on account of the expiration of the term mentioned in Article V, which, being absolute, leaves no room for examining into causes.

XXIV. At the expiration of the 50 years fixed for the duration of the present Contract, or whenever it may be rescinded or annulled for any of the aforesaid causes, the interoceanic route, with all its establishments and the properties employed in its service, such as the telegraphic line, the steamers, and the rest, shall pass to the dominion of the Republic of Nicaragua; likewise all the effects of the present Contract shall cease, without the Government having to pay any sum by way of price, or for any other consideration whatsoever.

XXV. All disputes that may arise between the Contracting

Parties respecting the execution or validity of the present Contract, or of any of the rights herein granted, shall be decided by a tribunal of arbitrators which shall be formed in the city of Washington, the capital of the United States of America, in the following manner: that is to say,

Either of the parties shall appoint an arbitrator on its part, and shall notify the said appointment in writing to the other party, giving the name of the arbitrator in full, his occupation, and the name of the place and the house where he resides, as also a clear and detailed statement of the questions which are to be submitted to the decision of the arbitrators. This written notification shall be given to the Company at their office in the city of New York, delivering it to the President, Vice-President, or Secretary; and the notification to the Government of Nicaragua shall be delivered in the capital of this Republic to the Minister for Foreign Affairs, or to any other of the Ministers of State.

The party notified shall give to the other party within 90 days, and in the manner already stated, a notification, likewise in writing, of the nomination of its arbitrator, with his name in full, his occupation, and the place and house wherein he resides, with a clear and detailed statement of the points in question. Moreover each of the parties shall give in its notification the name in full, the occupation and residence of a person who will remain in the said city of Washington to represent it until the conclusion of the business.

When the nominations as above expressed are made, either of the parties shall give to the other party, 10 days beforehand, a written notification of the day, place, and hour at which the arbitrators are to meet in the said city of Washington, in order to hear and determine the points or questions; which last notification, as also the subsequent ones, may be given to the attorney or representative of the contrary party in Washington, either by delivering the notification to him personally, or leaving it at the house described as his residence, with any grown up person living therein.

The arbitrators shall then attend at the place and on the day and hour stated, and shall proceed to hear the parties, examine their proofs, and decide on the questions that may be submitted to them; and within the term of 15 days after the questions have been submitted by both parties, they shall give their opinion, signed by both, which shall be decisive and final.

If, when the first notification to the Company has to be given on the part of the Government of Nicaragua, no one of the persons to whom the aforesaid notifications are to be delivered should be found at the offices mentioned above, although application shall have been made there at 11 A.M. on three different days, in such

case, protest of the case shall be made before a notary public, and notice thereof shall be advertised in one of the journals of the city of New York, by which the notification shall be considered as delivered to the proper person.

In case either of the parties should omit to give the written notification of the nomination of arbitrators, or in case the arbitrators of either of the parties should not attend at the time, day, and hour appointed, and the party that nominated him should not provide another at the same place, day, and hour, then the arbitrator of the other party can proceed alone to hear the party or parties that may be present, to examine the proofs offered, and to decide the questions, and his sole opinion, given in writing and signed by him, shall be final and conclusive.

If both the arbitrators attend at the examination, and do not give their opinion within the term of 15 days after the questions have been submitted to their decision, on account of their not being able to agree, then either of the parties or their respective attorney can apply to the Ministers Plenipotentiary, or to the resident Ministers should there be no Plenipotentiaries, or to the Chargés d'Affaires should there be no resident Ministers, of European nations to the Government of The United States, who may be the first in the order of seniority by their respective receptions in Washington, requesting them to nominate, in writing, a third arbitrator. In case any of the said Ministers or Chargés d'Affaires should decline, or should for any other reason be unable to act, their place shall be filled up by the Chargé d'Affaires of an European nation with the Government of the United States of America, who may be next in the order of reception, successively until the object be attained.

When the third arbitrator has been named, one of the parties, or its respective attorney, will give, 5 days beforehand, a written notification to the attorney of the other party in Washington, of the day, place and hour at which the 3 arbitrators are to meet in the said city of Washington to hear the parties, examine their proofs, and decide the questions; and the 3 arbitrators, or two of them, if any one should be absent, can proceed to the examination, and give their opinion written and signed by them, which shall be final and decisive.

The arbitrator, or arbitrators respectively, can grant to the parties the necessary time to obtain and present proofs, by means of requisitions which they can issue, or for the presentation of witnesses, or for other means that they may consider just and fitting, as it is the intention of the Contracting Parties that the arbitrator or arbitrators respectively may have absolute and unlimited power in everything concerning the proofs, the nature of them, the mode of

presenting them, and every other particular respecting them, accordingly as they may judge most conducive to the demonstration of the truth, and to the substantial ends of justice.

XXVI. The present Contract, after being ratified by the American Company of the Atlantic and Pacific Maritime Canal, in a manner satisfactory to the Chargé d'Affaires of Nicaragua at Washington, shall be submitted to the Legislative Power of the Republic for ratification in its next sessions, whether ordinary or extraordinary, and if it should be ratified by that body, the ratifications shall be exchanged in the city of New York, within 90 days from the date of the last ratification.

II. The Nicaraguan Minister at Washington will effect the exchange of the ratifications, adhering to the instructions which the Government will give him.

Given in the Sessions-Hall of the Chamber of Deputies, the 21st day of February of the year 1861.

PEDRO ZELEDON, *Deputy President.*

EDUARDO CASTILLO, *Deputy Secretary.*

C. MONCADA, *Deputy Secretary.*

*Sessions Hall of the Senate,
Managua, March 11, 1861.*

To the Executive Power.

HERMENEGILDO ZEPEDA, *President.*

MANUEL REVELO, *Secretary.*

BASILIO SALINAS, *Secretary.*

Managua, March 20, 1861.

Wherefore let it be carried into execution.

JOSE MIGUEL CARDENAS,

TOMAS MARTINEZ.

Secretary for Foreign Affairs.

ACT.

In the city and State of New York in The United States, on the 19th of June, 1861, a meeting was held at the office of Mr. Henry G. Stebbens, President of the Central American Transit Company. Present, his Excellency Don Luis Molina, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua to The United States, specially authorized by the Government of Nicaragua, and the said Henry G. Stebbens, John E. Body, and A. J. Hamilton, President, Vice-President, and Secretary of the Central American Transit Company, in the name and as representatives of said Company, with ample and especial powers for the object of proceeding to the exchange and execution of the Zeledon-Perez Contract, signed in the city of Managua, on the 2nd of April, 1860, with the modifications introduced therein on the part of Nicaragua, which have been accepted and ratified by the Company on the understanding that :

1st. It is to be understood that the transit is open in accordance with the terms of the Contract, when the Company, being prepared in the River San Juan, in the lake, and on the land lines, with the steamers and the necessary matters for the undertaking, shall declare it regularly open for the traffic of passengers, mails, specie, and merchandize, inviting their presence on fixed days, and not less than once a month, at the ports at the extremities of the transit route, in order to convey them with the necessary celerity and convenience from one to the other of the said ports.

2nd. The renunciation of claims arising from former transactions is understood to be made by the Company as a corporation, and by each of the holders of bonds and shares, and by their successors, or by each of the persons composing the Company, and by those also of whom it may hereafter consist ; and the said renunciation shall be extended with the like reciprocity, and on the same terms and understanding established between the Contracting Parties, to the Republic of Costa Rica, if, on being applied to for this purpose by the Ministers of The United States, that Republic should wish to accede to this Convention.

3rd. The Company, moreover, maintains that no other society or person can have any right to make claims on Nicaragua or Costa Rica, by reason of the canal contracts, or accessory transit contracts which are referred to in the Contract now exchanged ; and it engages to furnish the documents and other proofs that it may possess, for the defence of Costa Rica and Nicaragua, or either of them, against any such claims should they be brought forward. And,

4th. The Central American Transit Company shall be authorized, and by these presents is fully authorized by the Minister of Nicaragua, expressly empowered for this purpose, to issue, besides the 30,000 shares of 100 dollars each, to the value of 3,000,000 dollars, such further number as it may deem necessary up to the sum of 2,000,000 dollars, so that the nominal value of said shares may amount to a maximum total of 5,000,000 dollars ; paying to the Government of Nicaragua, besides the 200,000 dollars for the capital of 3,000,000 dollars, such an amount as may be in proportion, whenever the Company may decide upon making any extension within the limits established. On this understanding, and after having exhibited their respective full powers, and finding them sufficient, the above-named persons proceeded to compare the authenticated copies of the Contract, accordingly as they had been ratified by both parties, and finding them of the same tenor the exchange was effected, the Envoy Extraordinary and Minister Plenipotentiary of Nicaragua receiving two copies signed by the said Messrs. Henry G. Stebbins, John E. Body, and John E. Hamilton, President, Vice-President, and Secretary of the Central American Transit Com-

pany, one in Spanish and the other in English, and the copy in Spanish signed by His Excellency the President, and the Minister for Foreign Affairs of Nicaragua, on the 20th of March last, being now delivered into the hands of the President of the said Company.

In witness whereof, we have drawn up this Act in Spanish and English, and have signed it in triplicate, two copies being for the Legation of Nicaragua, and the other for the Company, at the date and place above-mentioned.

H. G. STEBBENS, *President.*

JOHN E. BODY, *Vice-President.*

A. J. HAMILTON, *Secretary.*

Wherefore I decree that it be held as a Law of the Republic, and the Minister for Foreign Affairs will cause it to be circulated and published.

Given at Managua, the 12th day of July, 1861.

HERMENEGILDO ZEPEDA.

TOMAS MARTINEZ.

Secretary for Foreign Affairs.

TREATY of Friendship, between Spain and Mexico.—Signed at Paris, September 26, 1859.

[Ratifications exchanged at Paris, January 25, 1860.]

(Translation.)

HER Majesty the Queen of Spain and his Excellency the President of the Mexican Republic, being desirous of putting an end to the misunderstanding which has unhappily arisen between the two countries, and of strengthening the friendship which ought naturally to exist between them, have agreed to proceed to the conclusion of a Treaty which shall re-establish the former relations between the two States, and have appointed as their Plenipotentiaries for that purpose,

Her Majesty the Queen of Spain, His Excellency Don Alexandro Mon, Knight Grand Cross of the Royal and distinguished Order of Charles III., of the Imperial Order of the Legion of Honour of France, of that of Christ of Portugal, and of the Pontifical Order of Pius IX., Deputy to the Cortes, Ex-Minister of Finance, Member of the Royal Academy of San Fernando and Ambassador Extraordinary and Plenipotentiary of Her Catholic Majesty, at the Court of His Majesty the Emperor of the French; and

His Excellency the President of the Mexican Republic, Don Juan Almonte, General of Division of the Mexican Army, and Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, at the Court of His Majesty the Emperor of the French;

who, after having exchanged their full powers and having found them in good and proper form, have agreed upon the following Articles:

ART. I. The principal authors of the assassinations committed on the estates of San Vicente and Chiconcuague having been tried already by the tribunals, and capital punishment having been inflicted upon their persons, the Government of Mexico will proceed with activity in the discovery and punishment of the other accomplices who have succeeded as yet in eluding the pursuit of justice; and will take active measures for ensuring the proper chastisement of those who may have been guilty of the crimes which were perpetrated in the mines of San Dimas, department of Durango, on the 15th September, 1856, as soon as the said department shall return to its allegiance to the Mexican Government, or that the criminals or instigators of the said crimes can be apprehended.

II. The Government of Mexico, although it is convinced that no responsibility has been incurred by the authorities, public functionaries or employés, in the crimes committed on the estates of San Vicente and Chiconcuague, animated nevertheless by the desire which they feel to put an end at once to the differences that have arisen between Spain and the Republic, and for the common and well defined interests of both nations, and in order that they may always carry on their intercourse in amity, and be united in the bonds of durable friendship, consents to indemnify such Spanish subjects as may have suffered from injuries and losses in consequence of the crimes committed on the estates of San Vicente and Chiconcuague.

III. Moved by the reasons expressed in the foregoing Article, the Mexican Government also consents to indemnify the subjects of Her Catholic Majesty who may have suffered injuries and losses from the crimes committed on the 15th September, 1856, in the mines of San Dimas, department of Durango.

IV. Animated by the same sentiments expressed in the two preceding Articles and filled with the same desires, the Spanish Government agrees that the said indemnities shall not be taken as a basis, or serve as precedents for other cases of the same nature.

V. The Governments of Spain and Mexico agree that the amount or value of the indemnities mentioned in the above Articles, shall be settled by common accord between the Governments of France and England, who have declared themselves disposed to accept this charge, which they will perform themselves or by their Representatives, taking into account the data presented by the parties interested and hearing the respective Governments.

VI. The Treaty of the 12th November, 1853, shall be re-established in all its force and vigour, as if it had never been inter-

rupted, until it may be altered or annulled by mutual agreement in another act of the same nature.

VII. The injuries and losses for which claims were pending when relations were suspended, and such others as may have arisen during this suspension, will be the subject of ulterior arrangements between the Governments of Spain and Mexico.

VIII. This Treaty shall be ratified by Her Majesty the Queen of Spain and by his Excellency the President of the Republic of Mexico, and the ratifications shall be exchanged in Paris within 4 months, reckoning from this date, or sooner if possible.

In faith whereof the Undersigned Plenipotentiaries have signed and sealed it with their respective seals.

Done in triplicate at Paris, this 26th day of September, in the year of our Lord 1859.

(L.S.) ALEXANDRO MON.

(L.S.) JUAN N. ALMONTE.

*TREATY of Peace and Amity, between Spain and Morocco.—
Signed at Tetuan, April 26, 1860.*

[Ratifications exchanged at Tetuan, May 26, 1860.]

(Translation.)

In the name of God Almighty.

TREATY of Peace and Amity between the most powerful Princes. Her Majesty Donna Isabel II, Queen of the Spains, and Sidi Mohammed, King of Morocco, Fez, Mequinez, &c., the Contracting Parties being: for Her Catholic Majesty her Plenipotentiaries Don Luis Garcia y Miguel, Knight Grand Cross of the Royal and Military Orders of San Fernando and San Hermenegildo, of the distinguished Order of Charles III, and of that of Isabel the Catholic, decorated with two crosses of San Fernando of the first class, and others for military services, Officer of the Legion of Honour of France, Lieutenant-General of the National Armies and Chief of the Head-quarters Staff of the Army of Africa, &c., and Don Tomas de Ligués y Bardají, Chamberlain of the week to Her Catholic Majesty, late Recorder and King at Arms of the Illustrious Order of the Golden Fleece, Commander of the Royal Order of Charles III and Isabel the Catholic, Knight of the Military Order of St. John of Jerusalem, Grand Officer of the Military and Religious Orders of St. Maurice and St. Lazarus of Sardinia, of that of the Medjidié of Turkey, and of that of Merit of the Crown of

Bavaria, Commander of that of St. Jago of Avis of Portugal, and of Francis I of Naples, Minister Resident and Director of the Political Department of the Principal Secretaryship of State, &c., and for His Majesty the King of Morocco, the servant of the Emperor of Morocco and its territory, his representative and confidential agent the learned Liv-Mahommed-el-Setit and the servant of the Emperor of Morocco and its territory, Commandant of the Garrison of Tangier, Colonel of Cavalry, Lid-el-Hadech Ajinad, Chabli-ben Abd-el-Melek, who being duly authorized to that effect, have agreed upon the following Articles.

ART. I. There shall be perpetual peace and good amity between Her Majesty the Queen of Spain and His Majesty the King of Morocco, and between their subjects.

II. In order to make the causes disappear, which gave rise to the war now happily terminated, His Majesty the King of Morocco, actuated by his sincere desire to consolidate peace, consents to extend the territory under the jurisdiction of the Spanish Fortress of Ceuta, as far as the points most convenient for the complete security and defence of the garrison in that place, in the manner agreed upon in the following Article.

III. In order to carry into effect what is stipulated in the preceding Article, His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominions and sovereignty, the territory included between the sea and along the heights of Sierra Bulloues, and the ravine of Angera, as a consequence of the above, His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominion and Sovereignty the whole of the territory comprised from the sea, starting as near as possible from the eastern point of the first bay of Handag-Rahma, on the north coast of the garrison of Ceuta, at the ravine or gully, which there terminates, rising to the east side of the ground where the prolongation of the Monte del Renegado which runs in a similar direction from the coast, is the most abruptly depressed and terminates in a scarped eminence of shaly stone, descending along the margin from the entrance of the neck that is there situated, by the skirt or declivity of the mountains or slopes of Sierra Bulloues, on the principal summits of which are the redoubts of Isabel Sequinda, Francisco de Asis, Pinier, Cisueros, and Principe Alfonso, in Arabic Vad-Arriat, and terminates at the sea, after forming altogether a semicircle that ends in the bay of the Principe Alfonso, in Arabic Vad-Arriat, which is the south coast of the aforesaid garrison of Ceuta, according to what has already been determined upon by the Spanish and Moorish Commissioners, as stated in the document drawn up and signed by them on the 4th of April of the present year.

In order to maintain these boundaries, there shall be established neutral ground extending from the slopes on the opposite side of the ravine to the summits of the mountains from one side of the sea to the other, as is stipulated in the Act referred to in the present Article.

IV. There shall be named forthwith a commission composed of Spanish and Moorish engineers, who shall mark out with posts and signals the heights mentioned in Article III according to the limits agreed upon.

This operation shall take place within the shortest term possible, but its completion shall not be necessary for the Spanish authorities to exercise in the name of Her Catholic Majesty their jurisdiction in that territory, which territory, as well as any other that, by virtue of this Treaty the King of Morocco cedes to Her Catholic Majesty, shall be considered subject to the Sovereignty of Her Majesty the Queen of Spain, from the day on which the present Treaty is signed.

V. His Majesty the King of Morocco shall ratify as soon as possible the Convention which the Plenipotentiaries of Spain and Morocco signed at Tetuan, on the 24th of August of the last year, 1859.

His Maroquine Majesty confirms from this day the territorial concessions which by that international compact were made in favour of Spain, and the guarantees and privileges and (all that relates to) the Moorish guards at Penón and Alhucemas, as expressed in Article VI of the Convention in question, with reference to the frontier lines of Melilla.

VI. On the frontier lines of the neutral ground, ceded by His Majesty the King of Morocco to the Spanish garrisons of Ceuta and Melilla, a Kaid, or Governor, shall be placed by His Majesty the King of Morocco, with regular troops, to prevent and repress assaults on the part of the tribes; the Moorish guards who are to serve at the garrison of Peñon and Alhucemas, shall be placed on the sea shore.

VII. His Majesty the King of Morocco engages to cause the territory which, by virtue of the stipulations of this Treaty remains under the Sovereignty of Her Majesty the Queen of Spain, to be respected by his own subjects.

Her Catholic Majesty shall, nevertheless, have the right to adopt all the measures she may deem necessary for the security of the same, erecting on any part of them the fortifications and defences which may be thought convenient, without any obstacle whatever being put by the Moorish authorities.

VIII. His Maroquine Majesty engages to cede for ever to Her Catholic Majesty on the coast of the ocean close to Santa

Cruz la Pequeña, ground that shall be sufficient for the formation thereon of a fishery establishment, similar to that which Spain possessed there in ancient times.

In order to carry into effect the stipulation contained in this Article, the Governments of Her Catholic Majesty and His Maroquine Majesty shall come to a distinct understanding with each other, and appoint Commissioners on either side to mark out the ground and limits which the establishment referred to should have.

IX. His Maroquine Majesty binds himself to pay to Her Catholic Majesty, as an indemnity for the expenses of the war, the sum of 20,000,000 dollars, or 400,000,000 reals of vellon. This sum shall be delivered, in 4 instalments, to the person whom Her Catholic Majesty shall name, and at the port which His Majesty the King of Morocco shall fix upon, in the following manner: 100,000,000 reals of vellon shall be paid on the 1st of July, 100,000,000 on the 29th of August, 100,000,000 on the 29th October, and 100,000,000 on the 28th December of the present year.

If His Majesty the King of Morocco pay the whole of the amount first mentioned before the expiration of the terms indicated, the Spanish army will at once evacuate the city of Tetuan and its territory; as long, however, as this full payment is not made the Spanish troops will remain in occupation of the said garrison of Tetuan, and of the territory comprised within the former pachalic of Tetuan.

X. His Majesty the King of Morocco following the example of his illustrious predecessors, who gave such efficacious and special protection to Spanish missionaries, authorizes the establishment in the city of Fez of a station of missionaries, and confirms in their favour all the rights and privileges which were ceded in their favour by former Sovereigns of Morocco.

The said Spanish missionaries, in whatever part of Morocco they may be, shall be at liberty to devote themselves freely to the exercise of their sacred avocation, and their persons, houses and hospitals, shall enjoy all the security and protection necessary.

His Majesty the King of Morocco shall, to this effect, communicate the orders necessary to his authorities and delegates, so that at all times the stipulations contained in this Article may be carried out.

XI. It has been expressly agreed upon that, as soon as the Spanish troops evacuate Tetuan, a piece of ground sufficiently large and situated near the Consulate of Spain may be acquired for the construction upon it of a church where Spanish priests shall be at liberty to exercise the rights of the Catholic creed, and cele-

brate their funeral masses for the Spanish soldiers killed in the war.

His Majesty the King of Morocco promises that the church, the habitation of the priests, and the cemeteries of the Spaniards shall be respected, to which end the requisite orders shall be promulgated.

XII. In order to prevent occurrences similar to those which gave rise to the late war, as well as to facilitate as much as possible the maintenance of a good understanding between the two Governments, it has been determined that the Representative of Her Majesty the Queen of Spain in the Maroquine dominions shall reside at Fez, or any other city which Her Majesty the Queen of Spain may judge the most convenient residence for the protection of Spanish interests and the maintenance of friendly relations between the two States.

XIII. There shall be concluded within the shortest term possible, a Treaty of Commerce, whereby all the advantages which have been already ceded, or which may hereafter be ceded to the most favoured nation, shall be ceded also to Spanish subjects.

His Majesty the King of Morocco being convinced of the opportuneness of fomenting the commercial relations between the two peoples, offers to contribute as far as he is concerned towards the facilitating in every way the said relations according to the mutual necessities and convenience of both parties.

XIV. Until the Treaty of Commerce referred to in the preceding Article is concluded, the Treaties which existed between the two nations before the last war shall remain in full force and vigour, in so far as they are not annulled by the present Treaty. Within a short term, which term shall not exceed one month from the date of the notification of this Treaty, Commissioners appointed by the two Governments to draw up and conclude the Commercial Convention shall meet together for that purpose.

XV. His Majesty the King of Morocco cedes to Spanish subjects the right to purchase and export freely wood from the plantations of his dominions on the payment of the corresponding duties, except when His Majesty by a general order shall deem it convenient to prohibit the exportation to all nations, so long as the concession which was made to His Catholic Majesty by the Convention of 1789 remains unaltered.

XVI. The prisoners taken by either army during the war just terminated shall be immediately liberated and delivered over to the respective authorities of the two States.

The present Treaty shall be ratified as soon as possible, and the change of ratifications shall take place at Tetuan within the term of 20 days, or before, if possible.

In faith of which the Undersigned Plenipotentiaries have extended this Treaty in the Spanish and Arabic languages, in 4 copies, one for Her Catholic Majesty, one for His Maroquine Majesty, another to remain in the charge of the Diplomatic Agent or Consul-General of Spain in Morocco, and the other in the hands of the Commissioner for Foreign Affairs in this Kingdom.

And the Undersigned Plenipotentiaries have signed and sealed them with their arms at Tetuan, on the 26th of April, 1860, of the Christian era, and of the 4th of the month of Chual of the year 1876 of the Egira.

(L.S.) LUIS GARCIA.

(L.S.) TOMAS DE LIQUES Y BARDAJI.

(L.S.) MOHAMMED-EL-TETIB.

(L.S.) AHMED-EL-CHABLI.

*PROCLAMATION of the King of the Hawaiian Islands, of
Neutrality in the War between Great Britain, France,
Turkey and Russia.—Honolulu, May 16, 1854.*

BE it known, to all whom it may concern, that we, Kamehameha III., King of the Hawaiian Islands, hereby proclaim our entire neutrality in the war now pending between the great maritime Powers of Europe; that our neutrality is to be respected by all belligerents, to the full extent of our jurisdiction, which by our fundamental laws is to the distance of one marine league, surrounding each of our islands of Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau, commencing at low water mark on each of the respective coasts of said islands, and includes all the channels passing between and dividing said islands, from island to island; that all captures and seizures made within our said jurisdiction are unlawful; and that the protection and hospitality of our ports, harbours, and roads, shall be equitly extended to all the belligerents, so long as they respect our neutrality.

And be it further known, to all whom it may concern, that we hereby strictly prohibit all our subjects, and all who reside within our jurisdiction, from engaging either directly or indirectly in privateering against the shipping or commerce of any of the belligerents, under the penalty of being treated and punished as pirates.

Done at our Palace of Honolulu, this 16th day of May, 1854.

KĒONI ANA.

KAMEHAMEHA.

By the King and Kuhina Nui.

R. C. WYLLIE,

CORRESPONDENCE between Great Britain and The United States, relative to the Free Navigation of the River St. John, under Article III of the Treaty of August 9, 1842.—1844, 1845.*

(1.)—*The Secretary of State of The United States to The United States' Minister in London.*

(Extract.)

Washington, May 16, 1844.

You will also receive herewith copies of certain papers relative to an Act of the Parliament of New Brunswick, passed on the 25th day of March last, imposing an export duty of 1s. (20 cents) per ton on all timber shipped from any port in that province, and releasing all claim for the right to cut timber on the crown lands. A communication on the subject has been addressed to this department by certain citizens of the State of Maine, complaining of the proposed exaction as an infringement of the letter and spirit of the stipulations contained in Article III of the Treaty of Washington of the 9th of August, 1842, going into an argumentative examination of the construction to be given to that Article, and of the nature of the rights secured by it to the citizens of The United States, and asking the intervention of this department with the British Government to defeat this measure of the provincial Parliament.

As a perseverance in this policy by the British provincial authorities must seriously and injuriously affect the interests of many American citizens, and as the proposed exaction appears to be in obvious violation of conventional stipulations existing between The United States and Great Britain, you will lose no time in calling the attention of Lord Aberdeen to the subject, with a view to procure the total abandonment of this policy on the part of the province of New Brunswick, and the adoption, by her Majesty's Government, of such measures as shall insure, hereafter, a strict observance of the obligations of the Treaty.

E. Everett, Esq.

J. C. CALHOUN.

(Inclosure 1.)—*Mr. E. Kent to the Secretary of State of The United States.*

SIR,

Bangor, Me., March 28, 1844.

At the request of the signers, I inclose to you a memorial on the subject of the recent movement in New Brunswick in relation to the duty on American timber. A few copies have been printed, and the original is now forwarded to you in that form, as probably preferable to a manuscript, and also a copy of the same.

I am requested also to state to you that the American Consul at St. John's will, in a few days, forward to you a statement of facts, which will substantiate the material allegations in this memorial.

* See also Vol. XXX. Page 136.

The course proposed by the provincial authorities is unexpected, and, as it seems to me, indefensible. Certain I am that it is contrary to my understanding of the objects of both parties to the Treaty. The word "free" was understood by us all as expressing, in a single word, what it was at first thought might require more minute specification, and as conferring absolute right of exemption from tolls, duties, or impositions. I will not detain you by here repeating what is contained in the argument herewith submitted, but will merely remark that, having on this subject, particularly, had a minute and accurate knowledge of the views of those who framed, and of those who assented to, the Treaty, I feel a perfect conviction that the views set forth in the enclosed paper are in consonance with the true intent and meaning of the Treaty. I cannot doubt that the English Government, upon representations from the proper authorities at Washington, will desist from the commencement of a system which must lead to constant trouble, vexation, and resistance, and excite anew feelings of hostility and ill will, which, happily, since the Treaty, have in a great degree subsided. I think I am not mistaken in saying that the people and Governments of Maine and Massachusetts will not quietly submit to the proposed exaction, which they deem but the commencement of a system of injuries and injustice, and opposed to the letter and spirit of the Treaty.

I beg leave to add, that those who are interested have a perfect confidence that the subject will receive your early and due attention, and that all proper measures will be taken to bring this matter to the attention and consideration of Her Majesty's Government.

Very respectfully, &c.

*The Hon. Secretary of State of the
United States.*

EDWARD KENT.

(Inclosure 2.)—Memorial to the Secretary of State of The United States.

Bangor, Me., March, 1844.

To the Honourable Secretary of State of The United States.

SIR,

THE following facts are understood to exist: In the winter of 1843 the provincial Parliament of New Brunswick passed an Act imposing an export duty of 1s., equal to 20 cents, per ton, on all timber shipped from any port in that province, except such as might be shipped to The United States. This Bill was sent to the home Government, and was returned not approved; but with an intimation that if the proviso in favour of the timber and lumber shipped to The United States was omitted, such a Bill would be approved. It is now stated, upon good authority, that such a Bill, imposing an

export duty of 1s. per ton on all timber, and releasing all claim for the right to cut timber on the crown lands, has been passed.

The question is, whether such a law and exaction is not in violation of the letter and spirit of Article III of the Treaty of Washington? That Article is as follows:

"III. In order to promote the interest and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that where, by the provisions of the present Treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the said river St. John, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined, by this Treaty, to belong to Her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine: Provided always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this Treaty, which the Governments respectively of Maine and of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party."

Upon the construction of this Article as it stands, without reference to the correspondence preceeding the Treaty, or any extraneous source, and looking only at the words, it is manifest that the right secured to American produce is something more than the mere right to float the same down the river to the seaport at its mouth. It "shall have free access," *i.e.* without any toll or any kind of interference or claim on the part of New Brunswick or Great Britain, except police regulations as to navigation, not inconsistent with the full enjoyment of the right. It is not contended in any quarter that this right of access can be qualified, limited, or obstructed, or that any duty, toll, or exaction of any kind can be enforced against the timber or produce, when it enters the province,

or on its passage to the city of St. John's. But it is, it seems, contended that after its arrival at that port, it may be subject to export duties and such other exactions and tolls as the Government there may impose, provided the same duty is imposed, actually or nominally, upon the same kind of produce of the province. Whether the proposed duty on the produce of New Brunswick is actual or nominal, will hereafter be considered in another aspect of the case. In this view, we regard it as actual and imposed in good faith, and we contend that in this view it is against a fair construction of the language of the Treaty.

The great right secured by the treaty is the right to go freely to the seaport at the mouth of the river, and from thence to the markets of the world. The great object which Maine and The United States had, in yielding territory to obtain this grant, was to secure an unobstructed and absolute right for the passage of their produce of the forest and of agriculture, grown on the upper part of the river and its tributaries, through the lower part of the river, within the province, to the sea, "the common highway of nations," that it might thus find a market, and go freely to the various ports where it might be wanted. The right secured is not merely "to," but "from" the said seaport; and the two words are used in juxtaposition, and they both have relation to the free passage of said produce. They both have a meaning. The right to go "from" the seaport is secured in the same manner and to the same extent as the right to go "to" the same, and this right is not confined to persons, but applicable to the same things which are allowed free access into the province. They may be conveyed "by boats, rafts," (the usual modes of transportation on the river,) "or other conveyance." This latter expression includes all kinds of vessels, and evidently contemplates a reshipment at the port.

This right of free egress to the sea for the produce of Maine may be considered, as it seems to have been originally by the provincial authorities, in two aspects; one has relation to the right of an American citizen to float his timber to the seaport (St. John's city), and from thence to a port of The United States. This right is so obvious and so clear that the provincial Act of 1843 exempted such lumber from the proposed duty, and thus recognised the construction, on this point, at least, for which we contend. But the law of 1844 imposes this export duty on such timber, and requires the payment before the American citizen, with his unmanufactured timber, can pass through the river into the sea, from one place in The United States to another. By the arrangement of 1830, between The United States and Great Britain, St. John's is made a free port, and American vessels have a right to enter and load there. The manifest intention of the Treaty, on this point, is to

grant a substantive and absolute right to use the waters of the river, and the facilities at the port to remove the timber, &c., growing on the territory of Maine, on the river St. John, to such other part of the Union as the owner might designate, without let or hindrance, tax or toll. It is the not uncommon case of a free right of transit through a foreign country for persons with their property. A construction has been given to our own tariff law by which such timber is regarded as never having lost its American character by such mere transit, and as having a right of entry, without duty, into our ports. This right of conveyance is too clear for extended argument, and seems so to have been considered by the provincial Parliament of 1843. If any further evidence or argument is required, it will be found in the quotations and remarks which will hereafter be made when referring to the history of the negotiation, and the objects in the view of both parties to the Treaty.

The next point has reference to the timber and lumber which may be disposed of at St. John's, or shipped from thence to England or other foreign countries. In relation to home consumption at that port, it has not yet been contended that any excise or other duty can be imposed. But this is of small importance, as the amount thus consumed is very inconsiderable. As to the part shipped, the right to ship without duty or toll is clear, from the language of the Treaty just considered. It was never contemplated that the right of the American owner over his property should cease at the ocean's edge. The Treaty evidently contemplates a further transportation where it limits regulations, in another clause, presently to be considered, to "when it is within the province." He may sell or may ship it, as he pleases. This right will be conceded, without doubt, by all who may reason on this subject. But it is contended that this is not an absolute right, but liable to be qualified and diminished, and limited by regulations and by the imposition of a duty to any extent, provided the same kind of produce of the province is subjected to the same exaction. And this brings us to the consideration of the meaning and effect of that clause of the Article which provides "that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province." The first remark we would make in reference to this provision is, that it is clear that it was not intended as a limitation or restriction of any right previously clearly granted, but to enlarge it, and to give simply a general expression of the intention to secure, in addition to the right of free ingress and egress, the same protection and the same privileges as are, by the laws and usage of the province, extended to its own productions. The great right of free and untrammelled entrance and departure is secured. The subsequent language

neither in its terms nor its spirit, qualifies or controls the grant. The argument which would maintain the opposite doctrine, on which the proposed duty is based, proves too much; for if the only qualification of the absolute right of the provincial Legislature to impose duties or other restrictions upon American lumber is the imposition of the same duty upon their own lumber, then a law might rightfully be passed subjecting all lumber, which might pass down the river, to a transit duty. This would be dealing with American timber as if it were the produce of the province. But the absolute right for a free passage is secured by the former provision, and this right cannot be limited or affected by any such legislation, even if the provision for equal liability is preserved. No one can for an instant believe that this right of free passage can be thus fettered or destroyed.

But the right to go "from," is equally secured with the right to go "to," the seaport. If the latter right cannot be infringed or destroyed, by placing the same restrictions upon their own lumber, neither can the former. The only reasonable construction to be placed upon the clause in reference to dealing with the American lumber as if it were the produce of the province, is, that it was inserted in favour of the American timber, which had already, by the prior terms, acquired the right of free and unconditional ingress and egress to the markets of the world, and to prevent any provincial or other legislation, or orders in council, which might give a preference, or secure special advantages of any kind, to the produce of New Brunswick. The American produce was not only to have the free right of passage "to and from the seaport," but it was to have equal rights and chances in the market there and elsewhere. It was to be subject, "when, within the province," doubtless to all such laws, usages, and restrictions not inconsistent with the absolute right granted, as the same kind of produce of New Brunswick was subjected to. It was not to be subjected to any vexatious and peculiar or perplexing laws, or rules, or restrictions, "when within the province." Full meaning and effect may be given to this clause, and its plain intention carried out, without regarding it as a limitation on the absolute right just granted. The first great question to be asked, in relation to any proposed or actual legislation of the province or the home Government, is, not whether the produce of New Brunswick is subject to the same restriction, but whether it trenches upon, limits, or interferes with, the absolute right to pass "to and from," first granted. If it does not, then arises the question whether it applies to provincial produce. If it does not, it is objectionable, although it may not directly affect the great right of free transit.

If, then, we regard this export duty as laid in good faith, and as,

in fact and truth, dealing with American produce in the same manner as if it were the produce of the province, we think it manifestly appears that it is in contravention of the provisions of the Treaty, and directly in conflict with the clear and well defined right therein secured. We should have no fear in resting the matter here. But we go further, and say that it clearly appears that this duty is not, in truth, an equal duty upon American and provincial timber; it is not in reality dealing with our lumber as with their own. It is an actual evasion (to use no harsher term) of the true spirit and language of the Treaty.

Waiving for a moment the consideration of the grounds before assumed, and granting for the argument all that can be contended for in the construction of the clause just considered, it must be apparent that it was the intention of both parties to the Treaty to select and adopt such form of expression as should, in a few words, secure to American produce equality in every respect, in the market, with the same kind of produce of the province. And this not a nominal or apparent, but a real and actual, equality. The intention is clear to anticipate and prevent any legislative or other provisions, by which any preference or any exclusive privileges, or any advantages, should be secured in favour of provincial produce, to the detriment of our own. The same market, upon the same terms and conditions, was to be open to both. Perfect equality was the object in view; the prevention of any advantages by the legislation of the country, the end aimed at. If, therefore, the Legislature of New Brunswick can, for the moment, be considered as at liberty to impose any tax, duty or toll, or other exaction, it is clear that it must be a tax, toll, or duty which, in its character and operation, is a *bonâ fide* and actual and equal tax or exaction upon all the lumber within the province. It must be a tax or duty which is actually paid as such by all produce alike, and which is on all such produce a real and absolute addition to the cost and expenses of the owners in getting it to market. There must be no actual duty upon American, and only a colourable duty upon provincial produce. There must be no drawback after payment, and no relinquishment of an equal or greater claim, by Government, prior to and in consideration of the payment of the duty, and equivalent thereto. In fine, there must be no artifice, no discrimination by means of other legislation in their own favour—no political legerdemain, by which the loss of duty is made up to the provincial by release of the former claim for remuneration to the Crown, for the right to cut the timber; no bounty, to offset a tax. There must not only be an apparent equality in the amount finally exacted, but there must be an actual equality, so far as the action of the Government is concerned.

Now it is apparent that this proposed duty is not an equal tax upon American and provincial timber, for this plain reason—that, upon the provincial timber, the duty is in fact only a mode of collecting what is here called stumpage; that is, the amount claimed for the standing timber, or for the right granted by the owner of the fee to sever and remove the standing trees. The charges upon timber which the operator, as he is called, has to pay, are: 1st, the stumpage; 2nd, the expenses of cutting, hewing, and hauling the same to the water; 3rd, the expenses of running the same down the river to market. The American lumberman is obliged to pay from 1 dollar to 1 dollar and 25 cents per ton for stumpage, or 3 dollars per 1,000 feet. (We use this somewhat uncouth term to those unused to it, as expressing definitely the idea intended to be conveyed.) The provincial lumberman has heretofore paid a less sum, but one definite and fixed on the Crown lands, of late, as we understand, at 20 cents or 1 shilling currency per ton. The proposed arrangement is to discontinue this, and all claim for stumpage, *eo nomine*, and to dispense with all collections by the officers of the Crown lands for this right, and to collect it by the cheap and summary mode of an export duty, and by the same means and at the same time impose this sum upon the American timber. The fact and the avowed object are admitted, and satisfactory evidence of both will be produced. The effect of this is clearly to add the amount of the export duty to the cost and charges upon the American timber, while the only effect upon provincial timber is the substitution of the duty in lieu of the Crown claim for stumpage, which otherwise would be claimed. It clearly gives an advantage and a preference to the produce of the province; and that not arising from natural causes, such as proximity to the market, or greater skill, or industry, or economy, but from the acts, regulations, and laws of the government. It is this subterfuge and evasion, by the mere change in the mode of collecting a prior and proper charge, of which we here complain. We would not use harsh or vituperative epithets, and we abstain from all mere denunciation, and from any attempt to characterize this movement as unbecoming a high-minded and honourable people. We deal with facts, and leave every one to apply them. But we earnestly protest against this attempt to charge upon American timber a double stumpage. And we beg leave further to remark, that this charge must be borne by the operator and seller, and not by the consumer. The price in the markets of The United States is regulated and fixed by the timber and lumber shipped from the ports of Maine and elsewhere, and cannot, certainly, be advanced by the addition of that which may pass through the province into the ports of this Union. The markets of Great Britain are supplied chiefly from Quebec and Canada, and the price

cannot be favourably affected by the comparatively small amount of American timber which may reach them from St. John's, more especially when the provincial timber from the same port is in effect, as we have shown, exempted from the export duty. The burden comes upon the American lumberman, without any relief by a division of the loss with the consumer. The practical operation is, to compel the payment into the provincial treasury of the same amount for stumpage upon timber cut upon American soil, as is exacted from the operators upon Crown lands within the province; the American timber having already been subjected to stumpage before it was removed from Maine. We do not complain, be it remembered, that the stumpage in the province is not equal to that exacted by the States, or individual owners of land in Maine, nor do we insist that all the expenses should be made equal. But we do insist that Government shall not fill its Treasury by unjust and unequal exactions on American timber, in violation both of the letter and spirit of the Treaty of Washington.

It certainly would not be contended that the authorities of New Brunswick could, under the provisions of the Treaty, grant a bounty upon provincial timber equal to the export duty, or a drawback of equal amount on such timber. And yet this arrangement is in effect the same thing. A release of a claim for stumpage is equivalent to a bounty of the same amount, and gives the same advantage in favour of the provincial produce.

We think we have clearly shown, in the first place, that, regarding the export duty as laid in good faith, and as in fact imposing the same duties upon American and provincial timber, it is in derogation of a substantive and express right given by the Treaty, which is not subject to be limited, restrained, or interfered with by any such imposition as is proposed; and, in the second place, that the duty is not in truth an equal tax upon American and provincial timber, but is in reality an exemption of the latter from the burden imposed upon the former, and, in its true character and operation, a clear violation of the clause of Article III which provides for equal rights and privileges.

This communication has already been extended to an unintentional length, but we cannot conclude it without calling attention to the correspondence between the negotiators of the Treaty, and to certain parts thereof, bearing upon this subject, which sustain the views we have taken of the nature, object, and extent of the rights secured thereby, in favour of American produce of the forest and of agriculture. This correspondence shows, conclusively, that these rights were regarded by both parties as highly valuable, and formed one of the most important, if not the most important, of the equivalents and compensations offered and accepted; and that both parties intended

that a valuable and permanent right of free ingress and egress, without duty, liability, or inability, should be secured. If it is not, and if this right can be rendered null and void in effect, by taxes, impositions, and restraints laid and imposed at the will of a provincial legislature, sanctioned and recognized by the home Government, and without limit or qualification, then the supposed right dwindles into a mere tenure by sufferance, and to a right, if right it may be called, which may be rendered of no value or use by the will of capricious legislators. If a duty of 20 cents may be thus imposed this year, and if it is submitted to in silent acquiescence on the part of the American Government, we can have no doubt that this convenient way of replenishing the public coffers of the province, from the property, the labour, and the enterprise of American citizens, will be improved upon by the addition to the duty of a sum at least equal to the price of American stumpage—say one dollar per ton, or 3 dollars per thousand superficial feet of lumber.

The proposed duty will prove a heavy drawback upon the profits of our timber, and such a movement would at once destroy the market for American timber; for it could not, with such a burden, compete at all with the favoured and exempted timber of Quebec and other British ports. This attempt as it seems to us, must be met at the outset with a firm, unyielding, and persevering resistance.

We return to the correspondence, and we first call your attention to the second letter of Lord Ashburton to Mr. Webster, of June 21, 1842.* His Lordship thus introduces the topic :

“In the course of these discussions, much anxiety has been expressed that Maine should be assured of some means of communication by the St. John, more especially for the conveyance of her lumber. This subject I am very willing to consider, being sensible of the great importance of it to that State, and that the friendly and peaceful relations between neighbouring countries cannot be better secured than by reciprocally providing for all their wants and interests. Lumber must, for many years, be the principal produce of the extensive valley of the Aroostook and of the southern borders of the St. John; and it is evident, that this article of trade, being worth anything, must mainly depend upon its having access to the sea through that river. It is further evident, that there can be no such access under any arrangement otherwise than by the consent of the province of New Brunswick. It is my wish to seek an early opportunity of considering, with some person well acquainted with the commerce of that country, what can be done to give it the greatest possible freedom and extent, without trenching too much on the fiscal regulations of the two countries. But, in the mean time, in order to meet at once the urgent wants and wishes of Maine in

* Vol. XXX. Page 147.

this respect, I would engage that, on the final settlement of these differences, all lumber and produce of the forest of the tributary waters of the St. John shall be received freely without duty, and dealt with in every respect like the same articles of New Brunswick."

Mr. Webster replies, July 8, 1842,* and on this point says, "It need not be denied that, to secure this privilege (the right referred to), and to have a right to enjoy it, free from tax, toll, or other liability or inability, is an object of considerable importance to the people of Maine."

In his next letter, of the 11th July, 1842, Lord Ashburton again alludes to this subject, and says: "It is considered by my Government as a very important concession. I am sure that it must be considered by all persons in Maine, connected with the lumber trade, as not only valuable, but indispensable; and I am compelled to add, that I am empowered to allow this privilege only in the event of a settlement of the boundary on satisfactory terms. It is said, in the memorandum of the Maine Commissioners, that this conceded navigation will be as useful to the town of St. John's as to the lumberers of Maine; but it will not escape you that, even if this be so, it is a concession necessary to give any value whatever to so bulky an article as lumber, which, being not otherwise disposable, would bear any reasonable toll which the provincial authorities of New Brunswick might think it expedient to levy upon it. Further, it should not be forgotten that the timber, once at the mouth of the St. John, will have the privilege of reaching the British as well as other markets; and, lastly, that it is a very different thing to hold a privilege of this important description by right, or by mere sufferance, to be granted or withheld at pleasure."

The negotiation, soon after this, seems to have been carried on principally by personal conferences, which terminated in the written statement by Mr. Webster of the line, with its considerations and equivalents, in conformity to the result of the oral discussions. He communicates to the Maine Commissioners the proposition, and in relation to this subject he says to them:

"If this line should be agreed to on the part of The United States, I suppose that the British Minister would, as an equivalent, stipulate, first, for the use of the river St. John, for the conveyance of the timber growing on any of its branches to tide water, free from all discriminating tolls, impositions, or inabilities of any kind, the timber enjoying all the privileges of British colonial timber. All opinions concur that this privilege of navigation must greatly enhance the value of the territory, and the timber growing thereon, and prove exceedingly useful to the people of Maine."

The Maine Commissioners, in conclusion of their answer, say,

* Vol. XXX Page 148.

"If, upon mature consideration, the Senate of The United States shall advise and consent to the ratification of a Treaty corresponding in its terms with your proposal, and with the conditions in our memorandum accompanying this note (marked A), and identified by our signatures, they, by virtue of the power vested in them by the resolves of the legislature of Maine, give the assent of that State to such conventional line, with the terms, conditions, and equivalents herein mentioned."

In the Memorandum of the Maine Commissioners (marked A), is the following:

"3rd That the right of free navigation of the St. John, as set forth in the proposition of Mr. Webster, on the part of The United States, shall extend to and include the products of the soil in the same manner as the products of the forest; and that no toll, tax, or duty be levied upon timber coming from the territory of Maine."

The Treaty was thereupon drawn up in form, to give effect to these several provisions. The third Article was of course understood by both the negotiators as carrying out the intention of the parties as before expressed. We submit, whether any fair mind can find any ground, either in the Treaty itself, or in the correspondence preceding it, to sustain, or justify, or excuse the proposed exaction.

The fact that the proposed law of 1843 excited but little remark, and probably called forth no formal remonstrance on the part of our Government, may be explained upon the ground that no one for a moment supposed that the Home Government would sanction it, or ever permit it to go into operation. This confidence proved to be well founded, and that Bill was rejected; but, as it would now seem, not on the grounds of its injustice, and its violation of the terms of the Treaty, but because it did not go far enough in its impositions. The export duty upon timber passing through and out of the river from American territory to American territory, was required, to render it acceptable. That saving clause is now to be added.

The whole people of this Union are interested in the question, and are bound to insist upon a fair and upright execution of the Treaty. The States of Maine and Massachusetts are particularly interested as sovereign States, and as owners of the greater part of the land on the waters of the St. John; and the industrious and persevering lumbermen who endure toil and hardship, and embark their all in their attempts to carry on their enterprises in the far distant forests of Maine, have a right to ask of their Government to interpose promptly, efficiently, and perseveringly against this attempt to evade, qualify, and, in the end, to nullify the right granted freely in consideration of the settlement of a long protracted and dangerous controversy. This appeal they now make; and most respectfully, but

[1860-61. LT.]

3 P.

most earnestly, entreat the proper authorities of the States and nation to take immediate measures to prevent such injustice to them, and such a violation of Treaty engagements.

We are, &c.

JEWETT & MARCH.

SAMUEL SMITH, and 68 others.

(Inclosure 3.)—The Delegation from the Congress of Maine and the Senators from Massachusetts to the President of The United States.

SIR,

WE have been informed by those engaged in the lumbering business in Maine, and have no reason to doubt the correctness of the information, that the provincial Government of New Brunswick has imposed a duty of 20 cents per 1,000 feet on all timber going down the St. John; at the same time relinquishing, to that extent, the stumpage, as it is called, or price paid for licence to cut timber on the crown lands. If these facts be true, we regard them as a clear violation of the third Article of the Treaty of Washington; amounting, in effect, though not in form, to a discriminating duty against the timber of Maine.

Affecting seriously, as this measure must, if persevered in, the value of the timber lands belonging to Maine and Massachusetts on the St. John and its tributaries, and the profits of those who have already embarked in the lumbering business in that region, we have deemed it our duty to address you on the subject, requesting that measures will be taken to procure the facts in a more authentic form, and if found to be as alleged, to cause the immediate and total abandonment of such policy by the British Government, and a restoration to individuals of all amounts which may have been exacted under it.

We refer you to the petition of James Crosby and others, which is herewith enclosed, for a more extended view of this subject.

GEO. EVANS.

JOHN FAIRFIELD.

B. P. DUNLAP.

JOSHUA HERRICK.

LUTHER SEVERANCE.

F. H. MORSE.

H. HAMLIN.

J. C. BATES.

RUFUS CHOATE.

The President of The United States.

(Inclosure 4.) — *An Act of the Provincial Government of New Brunswick, relating to the Collection of Duty on Timber and other Lumber.*

[7 Vict.]

[Passed March 25, 1844.]

“WHEREAS, in consequence of the alteration of protective duties upon colonial timber, and other circumstances affecting its value, it is thought reasonable and just to reduce the rates of tonnage duty on timber and lumber cut upon Crown lands, and to adopt a less difficult and expensive mode for its collection; and whereas, also, it is considered necessary, for the purpose of sustaining the public revenues, that a small duty should be imposed upon all timber and lumber shipped from this province:”

1. Be it therefore enacted by the Lieutenant-Governor, Legislative Council, and Assembly, that from and after the day appointed for this Act to come into operation, there be imposed, and there is hereby imposed, upon all timber, masts, pine spars, saw logs, sawed lumber, or scantling, shipped from this province, the following rates of duty; that is to say:

For every 40 cubic feet of pine timber, the sum of 1s.

For every 40 cubic feet of spruce, juniper, or hard wood timber, masts, or spars, the sum of 9d.

For every 1,000 superficial feet of saw logs, sawed lumber, or scantling, the sum of 1s.

Provided always, and be it further enacted, that the duty imposed by this section shall not be payable upon the exportation of any timber, masts, spars, saw logs, sawed lumber, or scantling, which shall have been cut upon Crown lands under a licence from the Lieutenant-Governor, or administrator of the Government for the time being, before this Act shall come into operation, nor upon any timber, masts, spars, saw logs, sawed lumber, or scantling cut upon granted lands within this province, and actually carried to the port of shipment before this Act shall come into operation, and the duties hereby imposed shall be remitted as hereinafter provided.

II. And be it enacted, that at the time appointed for this Act to come into operation it shall be the duty of all persons owning any timber, masts, spars, saw logs, sawed lumber, or scantling, fit for exportation, and who may claim the same to be exported free of duty, to cause a particular account of the same to be taken and certified under the hand of the seizing officer of the district in which such timber, masts, spars, saw logs, sawed lumber, or scantling may be; which account shall be filed in the office of the Surveyor-General of this province, and a duplicate thereof shall be filed in the office of the Treasurer or Deputy Treasurer at the port or district where such timber, masts, spars, saw logs, sawed lumber, or scantling may be shipped; and, upon the exportation of timber, masts, spars, saw

logs, sawed lumber, or scantling, by the person who may have had such timber, masts, spars, saw logs, sawed lumber, or scantling on hand, although the timber, masts, spars, saw logs, sawed lumber, or scantlings, so exported, may not be the identical timber, masts, spars, saw logs, sawed lumber, or scantling, mentioned in the accounts aforesaid, all duties imposed by this Act upon timber, masts, spars, saw logs, sawed lumber, or scantling, to the extent of the quantity so taken an account of, shall, on shipment of the quantity so taken an account of, be remitted by the said treasurer or deputy treasurer, and an endorsement thereof made by him upon such duplicate account, to be taken and filed in the office of the said treasurer or deputy treasurer; which account shall be transmitted with the other accounts of exportation of timber, masts, spars, saw logs, sawed lumber, and scantling, to the secretary of the province.

III. And be it enacted, that it shall in all cases be the duty of the shippers, or of the exporters, from this province, of timber, masts, spars, saw logs, sawed lumber, or scantling, and they are hereby respectively required to render to the treasurer or deputy treasurer of the port or place of shipment within this province a just and true statement, on oath, before such treasurer or deputy treasurer, who is hereby authorized and required to administer such oath, of all the timber, masts, spars, saw logs, sawed lumber, or scantling, that shall be shipped on board any ship or vessel for exportation, and at the same time to pay the duty thereon, which is imposed by the first section of this Act (except such as is entitled to a remission of duty), into the hands of such treasurer or deputy treasurer.

IV. And be it enacted, that any person or persons who shall make a false report or manifest of the quantity of timber, masts, spars, saw logs, sawed lumber, or scantling, entered for exportation, shall, upon conviction thereof, forfeit and pay a sum not exceeding 50*l.*, to be recovered and levied in the name of Her Majesty and for Her Majesty's use.

V. And be it enacted, that it shall not be lawful for any consignee, shipper, or owner of any timber, lumber, or other wood, liable to the payment of any duty or duties under the provisions of this Act, that shall or may, after the passing of this Act, be laden on board of any ship or vessel, or the master or commander thereof respectively, in this province, to clear such ship or vessel so laden or having on board such timber, lumber, or other wood, at the Custom-House of any port within this province, until such consignee, shipper, or owner, shall have first paid such duties, and have procured and obtained from the treasurer or deputy treasurer of the port or place where such timber, lumber, or other wood, shall be shipped or laden, a certificate that the duties payable on the timber, lumber, or other wood, liable as aforesaid, and so laden on board of

such ship or vessel, have been paid agreeably to the provisions of this Act.

VI. And be it enacted, that if any such consignee, shipper, or owner shall presume to clear any ship or vessel at any Custom-House within this province, having on board any timber, lumber, or other wood liable to the payment of any duties under the provisions of this Act, or to sail or depart with such ship or vessel from any port or place within this province, without first paying such duties into the hands of the treasurer or deputy treasurer of the port or place of shipment, agreeably to the provisions of this Act, such consignee, shipper, or owner, shall be subject and liable to a penalty for each and every offence of not less than £3, nor more than £100, at the discretion of the court before whom such offender or offenders shall be prosecuted; which penalty, with costs of suit, shall be recovered in an action of debt in any court or tribunal in this province competent to try the same, upon the oath of one or more credible witness or witnesses, at the suit of the province treasurer or deputy treasurer of the port or place of shipment; three-fourth parts of which penalty shall, when received, be paid into the hands of the province treasurer as part of the revenues of the province, and the residue to the informer or person prosecuting for the same.

VII. "And in order to secure the payment of the duties imposed by this Act on timber, lumber, and other wood that shall or may hereafter be exported from this province," be it enacted, that before any consignee, shipper, or owner of any timber, lumber, or other wood, shall ship or load, or cause to be shipped or laden, on board of any ship or vessel, any timber, lumber, or other wood liable to duty under this Act, such consignee, shipper, or owner shall give a bond to the Queen's Most Excellent Majesty, conditioned for the payment to the treasurer or deputy treasurer of the port or place of shipment, with good and sufficient security, to the satisfaction of such treasurer or deputy treasurer, in the penal sum of 100*l.*, conditioned for the payment of all the duties payable on any timber, lumber, or other wood that shall be so shipped or laden on board any such ship or vessel, prior to such ship or vessel being cleared at the Custom-House of the port or place of shipment, or to such ship or vessel sailing from the place or places of lading.

VIII. And be it enacted, that if any timber, lumber, or other wood liable to the duties under the provisions of this Act, shall be shipped or laden on board of any ship or vessel at any port or place in this province, prior to the giving of such bond or security required by section 7 of this Act, the consignee, shipper, or owner of such timber, lumber, or other wood so shipped contrary to the provisions of this Act, shall be subject and liable to a penalty not exceeding 5*l.*, nor less than 2*l.*, for each and every offence, in the discretion of the

justice or tribunal before whom prosecuted; which penalty, together with the costs of suit, shall or may be recovered upon the oath of one or more credible witness or witnesses, before any one of Her Majesty's justices of the peace for the county or city and county in which such timber, lumber, or other wood shall be so shipped or laden, at the suit of the treasurer or deputy treasurer of the port or place of shipment, by action of debt, in like manner, and under the like proceedings, with the like costs, as small debts are recoverable, before one justice of the peace, by virtue of an Act of the General Assembly of this province, intituled, "An Act to regulate proceedings before justices of the peace in civil suits;" three-fourth parts of which penalty, when received, shall be paid into the hands of the province treasurer or deputy treasurer, as a part of the revenues of the province, and the residue to the informer or person prosecuting the same.

IX. And be it enacted, that this Act shall not come into operation until the 1st day of May next, and shall be and continue in force until the 1st day of May which will be in the year of our Lord 1846.

(2.)—*Mr. Kent to the Secretary of State of The United States.*

SIR,

Bangor, Me., May 19, 1844.

SINCE I wrote to you, inclosing a printed argument on the subject of the export duty on timber, &c., from the ports in the province of New Brunswick, I have received an official copy of the Act, from which it appears that, in respect to the duty on American timber, this season, there is another and most serious, and, as it appears to me, unquestionable objection to its validity.

Section 1, after the preamble, which recognizes the proposed duty as a less difficult and expensive mode of collecting the tonnage (or stumpage) duty on timber, and after imposing the duty of 1s. on every 40 cubic feet of pine timber and lumber, &c., provides "that the duty imposed by this section shall not be payable upon the exportation of any timber, masts, spars, saw logs, sawed lumber, or scantling, which shall have been cut upon Crown lands, under a licence from the Lieutenant-Governor or Administrator of the Government for the time being, before this Act shall come into operation; nor upon any timber, masts, spars, saw logs, sawed lumber, or scantling cut upon granted lands within this province, and actually carried to the port of shipment before this Act shall come into operation, and the duties hereby imposed shall be remitted as hereinafter provided."

The last section provides that the "Act shall not come into operation until the 1st day of May next (1844), and shall be and continue in force until the 1st day of May, which will be in the year of our Lord, 1846."

From these provisions it appears that all the timber, &c., cut under licence in the province before the 1st day of May, is entirely exempt from the duty. This, of course, exempts all cut during the season, as all timber that comes down to the river is cut before the 1st of May. American timber, although cut before the 1st of May, is subject to the duty. Surely, in no aspect of the case can this be regarded as dealing with American timber as if it were the produce of the province. The only plausible excuse which has been made for imposing the duty is the one alluded to in the printed argument—that in form the duty reaches their own timber. Even this insufficient justification is found to fail in point of fact. A great part of the province timber is certainly exempted this year. The exemption of any, the smallest part, vitiates the whole proceeding. It will be very easy to repeal this law next winter, and enact another similar in principle, but somewhat different in detail, containing a similar exemption for the next year, and so on indefinitely. I do not intend to enter into an argument on this point, for I deem it too plain for argument, but merely to call your attention to this new feature, which was unknown to me when I wrote to you before on this subject. Those interested are anxious to have the matter settled before shipments are made of the timber cut the last winter. If the duty is exacted, it will be paid under protest, or resisted, and an appeal be taken to our own Government for redress. I presume you have a copy of the law of the province, and also of the correspondence between the Lieutenant-Governor and the Home Government, from the Consul at St. John's.

With great regard, &c.

Hon. J. O. Calhoun.

EDWARD KENT.

(3).—*The United States' Minister in London to the Secretary of State of The United States.*

SIR,

London, June 28, 1844.

I TRANSMIT, herewith, a copy of a note of this day, addressed to Lord Aberdeen, on the subject of the export duty levied on timber at St. John's, in virtue of an Act of the Colonial Legislature of New Brunswick.

I do not find among the papers accompanying your despatches numbered 87 and 90 the statement from our Consul at St. John's, referred to in Governor Kent's letters. In consequence, I presume, of the absence of that document, the evidence of the relinquishment of the "stumpage," for cutting timber on the Crown lands of the province, is less positive than might be wished. That such relinquishment is a part of the measure, is certainly implied in the preamble of the Colonial Act, and in the debate in the Legislative Council. I have, however, thought it best to state it only as

matter which had been represented to the American Government.

While I was preparing the note to Lord Aberdeen, I had an opportunity of conversing informally with Lord Ashburton on the subject. He expressed a decided opinion that the duty in question did not violate the Treaty, and that the clause which provides for equality of treatment for American timber, and that of the province, authorizes its imposition. At the same time, he was equally of opinion, that if, by a repeal of the "stumpage" for cutting timber on the Crown lands, or by an exemption of province timber from duty, for the present year, it was made to operate, in fact, as a discrimination against the timber of The United States, it was an unfair evasion, which ought to be inquired into by the Home Government. I ought to add that these views were formed by Lord Ashburton on the first impression of the case, as stated in conversation, and the expression of them should be considered as wholly informal. It is by no means impossible, that, upon investigating the subject, he would view the matter as we do.

To save the time which would be required to copy the printed argument transmitted with your despatch, I have sent it to Lord Aberdeen with the papers accompanying my note of this day. I beg leave to request that another copy may be procured and forwarded to me, to be placed on the files of the legation. I have retained a list of the signatures, so that it is not necessary that they should be transcribed.

I am, &c.

J. O. Calhoun, Esq.

EDWARD EVERETT.

(Inclosure.)—*The United States' Minister in London to the Secretary of State for Foreign Affairs of Great Britain.*

Grosvenor Place, June 28, 1844.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, has been instructed to invite the attention of the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, to an Act passed by Legislature of the province of New Brunswick, on the 25th March, 1844, entitled "An Act relating to the collection of duty on timber and other lumber." By this Act, the following duties are laid upon all timber, masts, pine spars, saw logs, sawed lumber, or scantling shipped from the province of New Brunswick, viz.:

For every 40 cubic feet of pine timber, the sum of 1s.

For every 40 cubic feet of spruce, juniper, or hard wood timber, masts, or spars, the sum of 9d.

For every 1,000 superficial feet of saw logs, sawed lumber or scantling, the sum of 1s.

By Article III of the Treaty of Washington, it is provided that "all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture (not being manufactured), grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the River St. John, and to and round the falls of the said river, either by boats, rafts, or other conveyance."

The right of free access, thus reserved to American timber, to the seaport of the St. John, and of free departure from it, seems to be directly infringed by the duty in question. In this view of the case, the amount of the duty is immaterial. If the colonial Legislature could lay a duty of 1s. per 40 cubic feet on American timber shipped from St. John's, they might lay one of ten or twenty times the amount. The imposition of any such duty is a direct breach of Article III of the compact, which secured to American timber, without qualification, freedom to and from the seaport at the mouth of the St. John.

This is so obvious, that when, in the session of 1843, a law similar to the one in question passed the colonial Legislature, timber from Maine shipped from the St. John to The United States was exempted from its operation, on the ground that such timber could not, under the provisions of the Treaty, be lawfully subjected to the tax. This Act was, however, disallowed by Her Majesty's Government, and, as the President is surprised to see it stated, on the ground of this exemption. It even appears from the debates in the colonial Legislature, on the passage of the Bill of 25th March, 1844, that it had been signified by Her Majesty's Government that such a Bill would be approved, provided American timber were equally taxed with that of New Brunswick.

This circumstance, with suggestions from other sources, has led the Government of The United States to suppose that Her Majesty's Government place the right to levy such a duty upon the further provision of the Treaty, that "when within the province of New Brunswick the said produce shall be dealt with as if it were the produce of the province."

The Undersigned, however, would remark to Lord Aberdeen, that this further provision of the Treaty was obviously intended in favour of American produce. It could hardly have been the design of the compact, under cover of this provision, to reserve to the colonial Legislature a power to lay burdens on American timber, which might neutralize the right of free ingress and departure guaranteed by the former portion of the Article. If such a power were implied, it might result in absolutely closing the St. John on

American timber. It is true that this could not be done, unless the same measure were extended to the timber of the province descending the St. John; but it is quite conceivable that Her Majesty's Government might think it expedient, by some such measure, greatly to encourage the timber trade of the St. Lawrence at the expense of that of New Brunswick. The Canada Corn Bill confers very important privileges on the corn of the upper provinces, not extended to the corn of the lower provinces. It cannot certainly be thought that if, from any like motive of policy, it was thought desirable to confer similar advantages on the Canadian timber, Her Majesty's Home Government or provincial authorities could consistently with the Treaty, impose very heavy or prohibitory duties on American timber shipped from the St. John, provided the same duty were levied on the timber of the province.

This line of argument the Undersigned conceives would be conclusive, were the duty in question, in point of fact, applicable, to the same effect and in the same way, to timber from Maine and timber the growth of the province. Such, however, is not the case. By a proviso to section 1 of the statute above alluded to, it is enacted:

"That the duty imposed upon this section shall not be payable upon the exportation of any timber, masts, spars, saw logs, sawed lumber, or scantling, which have been cut upon Crown lands, under a licence from the Lieutenant-Governor or Administrator of the Government for the time being, before this Act shall come into operation, nor upon any timber, masts, spars, saw logs, sawed lumber, or scantling, cut upon granted lands within this province, and actually carried to the port of shipment before this Act shall come into operation."

As all timber cut at all for a given season is cut before the 1st of May (the day on which the Act in question comes into operation), the proviso now recited exempts from duty all the stock of province timber on hand, and all that may be cut from the Crown lands for the commerce of this year; and, consequently, compels the owners of American timber to submit to the loss of the entire amount of the duty.

But without reference to this proviso, the duty in question is rendered a discriminating duty against American timber by another circumstance. A sum equal to the amount of the duty has hitherto been paid for the privilege of cutting timber upon the Crown lands. It has been represented to the Government of the United States, that, simultaneously with the going into operation of the Act in question, this payment for the privilege of cutting timber upon the Crown lands is to cease, and the duty imposed by the Act is to be levied as an equivalent.

It is plain that, in this way, the duty levied on all timber on exportation from New Brunswick is in fact a discriminating duty in favour of timber cut upon the Crown lands. In itself considered, The United States Government can have no right to complain that the duty formerly paid for this privilege has been relinquished ; but if, at the same moment, an export duty is imposed on all timber at St. John's, the effect necessarily is, that a discrimination in favour of timber from the Crown lands is established.

In like manner, it would be no just cause of complaint to The United States, if, from general motives of policy, a large bounty were given by the metropolitan or the provincial Government for cutting timber on the Crown or the granted lands of New Brunswick; but if, simultaneously with the grant of such a bounty, a duty to the same amount were levied upon all timber—alike American and the growth of the province—on its being shipped from St. John's, it would be evident that the grant of the bounty was an evasion of the provisions of the Treaty, and that the only effect (and consequently the design) of the Act was to lay a discriminating duty on American timber.

It is only under the general and unqualified provisions of the Treaty, by which free passage to and from the St. John is reserved to the timber of The United States, that it is safe from this and all similar evasions. It is not enough that a seeming equality exists in the burdens to which it is subject. Under this equality a real discrimination may be concealed, as in the supposed case of the bounty, and not less so in the actual case of the relinquishment of the Crown duty. The Treaty guarantees freedom, and nothing less than entire freedom will satisfy its provisions.

The stipulations of the Treaty above referred to had great influence with the people of Maine and the Senate of The United States in obtaining their consent to the relinquishment of a portion of the territory in dispute, to which they believed themselves to have a perfect title. A recurrence to the correspondence connected with the Treaty will put this beyond doubt. The Undersigned believes that without this stipulation the Treaty could not have been concluded; nor is he less confident that if, instead of the perfect freedom of passage into and out of the St. John for the agricultural products of the territory ceded, a proposal has been made to reserve to the Provincial Government a general right to impose such duties as they might see fit on the shipment of that produce, subject to no other qualification but that of a real or apparent equality in this respect with the products of the province, such proposal would have been deemed wholly inadmissible; and, if persisted in, would have defeated the negotiation. Besides all other objections, such a reservation would have been in derogation of a principle so

firmly cherished by the people of The United States as to be incorporated into their Constitution. It is provided by the fundamental law of the Union that "no tax or duty shall be laid on articles exported from any State."

It is not in the power of Congress, in any emergency however great, for any purpose however important, to impose the smallest tax on an article exported from The United States. It was manifestly the design of the provision contained in Article III of the Treaty of Washington, to secure the continued application of this fundamental principle to the timber and other agricultural products of a portion of territory to which The United States and the State of Maine, for great public considerations, had determined to relinquish their claim. It was supposed by them that this design was carried into effect by an unqualified reservation of freedom in passing through and out of the rivers by which this portion of territory is drained. The Undersigned need not say that the last thing which could have occurred to the Government of The United States, or to the State of Maine, or which would have been consented to had it been thought of, would have been to acquiesce, in reference to this produce, in the infringement of one of the fundamental principles of the American Constitution. The suggestion of an export duty, which Congress could not levy for the benefit of the treasury of The United States, to be imposed on American produce "for the purpose of sustaining the public revenues" of the province of New Brunswick, presents a measure objectionable, under all circumstances, in the form the most objectionable and inadmissible.

Various additional arguments and illustrations might be adduced to render still more apparent the inconsistency of the colonial law in question with the provisions of Article III of the Treaty. These, however, are omitted, partly under the impression that the case may safely be left with the preceding statements, and partly because the question is ably discussed in the papers transmitted with this note.

The Undersigned is instructed to ask the prompt attention of Lord Aberdeen to the subject, and to express the confident expectation that the contravention of the Treaty of Washington involved in the colonial Act of the 25th of March, 1844, above referred to, may be prevented by the interposition of the authority of Her Majesty's Government.

The Undersigned, &c.

The Earl of Aberdeen.

EDWARD EVERETT.

(4.)—*The Secretary of State for Foreign Affairs of Great Britain to The United States' Minister in London.*

Foreign Office, December 9, 1844.

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note which Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to the Undersigned on the 28th June last, calling the attention of Her Majesty's Government to an Act passed by the Legislature of New Brunswick, on the 25th of March last, imposing certain duties upon all timbers shipped from New Brunswick, and which, as affecting timber grown on those parts of the State of Maine which are watered by the St. John, is alleged to be an infringement of Article III of the Treaty of Washington.

The Undersigned having taken the case, as set forth by Mr. Everett, into his consideration, and having communicated thereupon with the Secretary of State for the Colonial Department, has the honour to submit to Mr. Everett the following remarks in reply to his note.

By Article III of the Treaty of Washington, it is provided that the produce of that part of the State of Maine watered by the St. John or its tributaries, which shall be brought down to the seaport at its mouth, "shall, when within the province of New Brunswick, be dealt with as if it were the produce of the said province." The precise meaning intended to be assigned to these words by the negotiators of the Treaty might, perhaps, have been open to discussion, but the British Government has adopted the meaning which is most favourable to The United States, and has considered that this produce, when once brought within the province of New Brunswick, was entitled to be treated in all respects upon a footing of equality with the produce of that province; and the British Government has, therefore, allowed it to be exported from New Brunswick and imported into England, and into the British possessions, upon the same footing, and upon payment of the same dues, as the produce of the province itself. Upon this construction of the Treaty, however, it seems to follow, as a necessary consequence, that if the produce of this part of the State of Maine be considered as the produce of the province of New Brunswick for the purpose of enjoying the same privileges and the same exemption from duty as the actual produce of New Brunswick, it must also be so considered for the purpose of being subjected to the same regulations, and the same duties, as the produce of that province; and upon this view of the Treaty, Her Majesty's Government disallowed the Act of the Legislature of New Brunswick of last year, because it excepted from the duties imposed on all other

timber exported from that province timber grown in The United States and passed down the River St. John, and there shipped for The United States.

It appears to the Undersigned that the disallowance of that Act was in full accordance with the spirit of the Treaty, and that it would have been difficult to defend the anomaly which would otherwise have existed in the acts of the Government, in treating the produce of the State of Maine, for the purpose of privileges and exemptions from duty in this country, as the produce of New Brunswick, and in treating it as the produce of The United States for the purpose of exempting it from a burden to which the timber the produce of New Brunswick was liable, on exportation, by the Act of the local Legislature.

Her Majesty's Government are, therefore, of opinion that the present Act of the Legislature of New Brunswick, in so far as it imposes a duty on the exportation of all timber from the province, is not a contravention of Article III of the Treaty of Washington.

The Undersigned would also beg leave to observe, although it may not be very material to the question, that it appears to him that Mr. Everett has put an erroneous construction on the words of the other part of Article III, which provides that the produce of that part of the State of Maine "shall have free access into and through the said river and its tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the River St. John, and to and round the falls of the said river, either by boats, rafts, or other conveyance."

The Undersigned conceives that this part of the Article has reference only to the navigation of the River St. John, and not to the exportation of the produce from the province of New Brunswick.

There remain, however, to be considered, two other grounds of objection urged by Mr. Everett, and which appear to be mainly relied upon by him. The first is, that the exemption in favour of the timber cut on the Crown lands, and on the lands granted before the passing of the Act, by which, under certain circumstances, it is exempted from duty, is not extended to the timber brought down the River St. John from the State of Maine; and Mr. Everett states that an unfair distinction is made, in this respect, between the timber the actual produce of that province, and the American timber brought down the river.

With reference to this objection, the Undersigned is ready to admit, that, in acting up to the spirit of the Treaty, no distinction should be made to the prejudice of the timber of The United States; and the Undersigned trusts that he shall be able to show that no

such prejudice has really been suffered by the operation of the proviso of which Mr. Everett complains.

That proviso of the Act directs "that the duty imposed thereby shall not be payable upon the exportation of any timber, masts, spars, saw logs, sawed timber, or scantling, which shall have been cut upon the Crown lands under licence from the Governor or Administrator of the Government for the time being, before the Act shall come into operation; nor upon any timber, masts, spars, saw logs, sawed timber, or scantling, cut upon granted logs [lands?] within the province, and actually carried to the port of shipment before this Act shall come into operation, and the duties thereby imposed shall be remitted as hereinafter provided." Now the Undersigned has the honour to explain to Mr. Everett that the intention of the Legislature in passing this Act was confined to the circumstance of the timber trade of the colony, as it existed at the time, of altering the then expensive and difficult mode of collecting the duty imposed by way of revenue on all timber cut on Crown lands within the province; and the Legislature having determined to substitute a small duty on all timber exported therefrom, in lieu of the duty imposed on licences to cut such timber—although the new duty thereby imposed, by including timber cut on private property, would, to a certain extent, bear hard on the owners thereof—the exception contained in the proviso was deemed the least exceptionable mode for carrying into effect the new measure contemplated.

The object the Legislature had in view was to exempt all timber which, before the passing of the Act, had paid duty to the Crown under licence granted to cut the same, and also all timber that had been cut on private lands which should be taken to the place of shipment before the time appointed for the Act to go into operation.

So far as respects the payment of duty on timber cut on private property, nineteen-twentieths, or more, of the inhabitants of the province, as the Undersigned is informed, were, from their locality, as much without benefiting from the exception as American citizens inhabiting that part of the late disputed territory which fell, by the Treaty of Washington, within the American territory; and it does not appear that any timber, at least to an amount worthy of consideration, which had been cut within the American part of that territory included within the terms of the Treaty, was within the limits of the province at the time appointed for the Act to go into operation; and subsequently thereto no distinction is made between timber cut on private lands, whether by British subjects or citizens of The United States.

As respects timber cut on public lands within the territory of

The United States, the American Government, by adopting a like mode for disposing thereof to that which has been established in the province of New Brunswick, has the power of placing it on precisely the same footing with timber cut within that province.

The Undersigned trusts that the foregoing explanations will be satisfactory to Mr. Everett and his Government, in answer to the first ground of objection above referred to, as showing that no distinction has, in effect, been made by the Act in question to the prejudice of the timber of The United States; and that British and American timber were exempted in common from the payment of duty at the ports of shipment on the 1st of May.

With respect to the second ground of objection urged by Mr. Everett, to the effect that the imposition of the duty on exportation by the colonial Legislature is intended as a substitute for the dues formerly paid on the cutting of timber on the Crown lands, the Undersigned will simply observe, that if the duty be imposed generally and equally on all timber exported from the province, the fact of the Act being accompanied by a remission of dues formerly paid on timber cut on the Crown lands can be no ground for considering the Act as a contravention of the Treaty.

The Undersigned, &c.

E. Everett, Esq.

ABERDEEN.

(5.)—*The United States' Minister in London to the Secretary of State for Foreign Affairs of Great Britain.*

Grosvenor Place, December 31, 1844.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States of America, has the honour to acknowledge the receipt of a note from the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, of the 9th instant, in reply to a note of the Undersigned of the 28th of June last, relative to an Act of the Colonial Legislature of New Brunswick, of the 25th of March last, imposing certain duties on all timber shipped from New Brunswick; and which, as affecting timber grown on those parts of the State of Maine which are watered by the St. John, is deemed by the Government of The United States an infringement of Article III of the Treaty of Washington.

The Undersigned will avail himself of the first opportunity of forwarding this communication to The United States for the information of his Government.

The Undersigned, &c.

The Earl of Aberdeen.

EDWARD EVERETT.

(6.)—*The Governor of the State of Maine to the President of The United States.*

SIR,

Augusta, April 12, 1845.

I TRANSMIT, herewith, a copy of a resolve passed by the Legislature of this State at its recent session, relating to an infraction of the Treaty of Washington, alleged to have been committed by the provincial authorities of New Brunswick.

For further information touching this subject, I beg to refer you to the correspondence and papers now on file in the Department of State at Washington.

In obedience to the directions of the Legislature, I also transmit to your Excellency a copy of resolves relating to the claim of this State upon the General Government for remuneration for lands set off to claimants, under the provisions of Article IV of the Treaty of Washington.

I have, &c.

H. E. J. K. Polk.

H. J. ANDERSON.

(Inclosure 1.)—*Resolves in relation to the Infraction of the Treaty of Washington.*

April 7, 1845.

RESOLVED, That the duty imposed by the existing law of New Brunswick, upon the lumber of Maine floated down the St. John, is a fraudulent evasion of the Treaty of Washington, and a paltry subterfuge, unworthy a powerful nation; that the imposition of any duties whatever, either transit or export, is at war with the obvious import of that Treaty, and an outrage upon Maine.

Resolved, That the Government of The United States should refund any and all sums of money extorted under the existing law of New Brunswick imposing duties on Maine lumber; that it becomes the duty of the Government to protect Maine in the full and complete enjoyment of the rights secured by the Treaty, and to declare to Great Britain that this renewed aggression will not be tolerated.

Resolved, That the Governor of this State is hereby directed to transmit a copy of the foregoing resolutions to the President of The United States.

(Inclosure 2.)—*Resolves authorizing the Governor to present to the General Government the claim of Maine for remuneration for Lands set off to Claimants under the provisions of Article IV of the Treaty of Washington.*

April 7, 1845.

WHEREAS, by Article IV of the Treaty of Washington, it is provided that "all grants of land heretofore made by either party within the limits of the territory which, by this Treaty, falls within [1860-61. LI.]

the dominions of the other, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this Treaty fallen within the dominions of the party by whom such grants were made;" by the ratification of which Treaty, by the General Government, it became the duty of Maine and Massachusetts to set off such lands and confirm such grants as clearly come within the provisions of the Article aforesaid: and

Whereas certain resolves were passed by the Legislature, and approved by the Governor of Maine, on the 21st day of February, in the year of our Lord 1843, authorizing the appointment of commissioners to locate grants, and determine the extent of possessory claims under the late Treaty with Great Britain; by the report of which Commissioners, made to the Governor and Council, under date of 3rd March, in the year of our Lord 1845, it appeared that 52,300 acres, composing the most valuable portion of the lands in the vicinity of the river St. John, have been set off to claimants, under Article IV of the Treaty aforesaid, for which Maine has received no equivalent or remuneration: and

Whereas the Government of The United States, by the ratification of the Treaty aforesaid, in adopting a line of boundary against which Maine had repeatedly protested by her Legislature, and by her Commissioners at Washington, as "involving the surrender of more territory than the avowed objects of England require; as removing our landmarks from the well-known and well-defined boundary of the Treaty of 1783;" and in undertaking to transfer and surrender, in addition thereto, the ownership of 52,300 acres of valuable territory from its rightful proprietors, to persons claiming under grants from Great Britain, incurred in equity and good faith an obligation to remunerate the States of Maine and Massachusetts for any pecuniary sacrifice they were required to make by authority of said Treaty: therefore,

Resolved: That Maine has a just and equitable claim upon the Government of The United States, for full remuneration for her proportion of all lands set off to claimants under the provisions of Article IV of the Treaty of Washington, and the Governor is hereby authorized and requested to present the same to the general Government for adjustment and allowance.

Resolved: That the Governor is hereby required to transmit a copy of these resolves to the President of The United States.

CORRESPONDENCE of Great Britain, relative to the Slave Trade, 1860; viz.:

	Page
CLASS B.—CORRESPONDENCE WITH BRITISH MINISTERS AND AGENTS IN FOREIGN COUNTRIES, AND WITH FOREIGN MINISTERS IN ENGLAND	963

LIST OF PAPERS.

AFRICA (BIGHT OF BENIN).

No. Consular :	Date 1860	SUBJECT.	
1. Consul Brand to Lord J. Russell.	Mar. 9	Threatened attacks on Abbeokutans by the King of Dahomey.....	968
2. " " 	April 9	Retreat of army of King of Dahomey from Yoruba. Occupation of Lagos.....	981
3. " " 	April 9	Disturbed state of the interior. Proposed deputation of merchants	983
5. Lord J. Russell to Consul Brand.	May 23	Approving steps taken for assisting Abbeokutans against King of Dahomey	985
6. " " 	May 23	Approving steps taken to procure peace in Yoruba country	986
7. Consul Brand to Lord J. Russell.	April 16	Departure of deputation of merchants to settle differences in the interior	986
13. " " 	May 8	Return of deputation from Yoruba country	991
14. Lord J. Russell to Consul Brand.	June 21	Approves steps taken to settle differences between Chiefs of Yoruba	996
15. Consul Brand to Lord J. Russell.	May 14	Crime of witchcraft. Barbarous custom of putting to death people accused of	996
17. " " 	June 5	War in Yoruba	999
18. Lord J. Russell to Consul Brand.	July 23	Ditto. Approves proceedings	1006
19. " " 	July 23	Approves efforts to prevent execution of two women accused of witchcraft	1006
20. Acting Consul Hand to Lord J. Russell.	July 8.	Preparations of King of Dahomey for attacking Abbeokutans.....	1006
21. " " 	Aug. 18	War in the interior. Letters from Alake of Abbeokuta and King of Jebu. Opening of roads	1007
22. " " 	Aug. 18	Formation of association for paying duties	1010

BRAZIL.

No.		Date. 1860	SUBJECT.	Page
29.	Mr. Christie to Lord J. Russell.	April 7	Anti-Slavery Conference in London. Brazilian Government accepts conditionally to take part	1012
30.	Lord J. Russell to Mr. Christie.	May 8	To thank M. Sinimbri for good intentions	1013
32.	Mr. Christie to Lord J. Russell.	June 2	Complete cessation of Brazilian Slave Trade	1013
33.	" "	June 24	Extract from Report of Foreign Minister relative to the Slave Trade	1015
39.	" "	Aug. 27	Discussions in Brazilian Senate on Slave Trade	1017
41.	" "	Sept. 24	Project of law for mitigation of evils of slavery has not passed	1018
42.	" "	Sept. 24	Santos v. Illidge. Judgment of Exchequer Chamber	1019
43.	Lord J. Russell to Mr. Christie.	Oct. 31	Mitigation of evils of slavery. Regret Project of Law has not passed	1022
44.	Mr. Christie to Lord J. Russell.	Oct. 22	Slaves of the Imperial Brazilian Mining Company transferred to Senhor Santos	1022
45.	Lord J. Russell to Mr. Christie.	Dec. 8	Illegality of sale of slaves of Brazilian Mining Association	1022

FRANCE.

56.	Lord J. Russell to Earl Cowley.	1860 June 22	Regret of Her Majesty's Government at purchase of slaves on East Coast of Africa for Reunion.....	1023
57.	" "	July 11	Coolie Emigration Papers, and observations thereupon	1024
58.	Earl Cowley to Lord J. Russell.	Aug. 10	French Government has replied affirmatively through Count Persigny as to Slave Trade Conference	1027

FRANCE (MARTINIQUE).

Consular:	1860	
60. Consul Lawless to Lord J. Russell.	May 13	Arrival of the <i>Ville d'Aigues Mortes</i> with 565 Africans from Congo 1028

MUSCAT (ZANZIBAR).

No.	Date.	SUBJECT.	Page
Consular:	1860		
62. Colonel Rigby to Lord J. Russell.	May 1	Importation of slaves into Zanzibar	1029

NETHERLANDS.

	1860		
65. Lord Napier to Lord J. Russell.	May 9	Projected emancipation of negroes in the Netherlands colonies	1030
66. " " "	July 11	Bill for emancipation of slaves likely to be abandoned.....	1032

NETHERLANDS (SURINAM).

Consular:	1860		
68. Consul Munro to Lord J. Russell.	Mar. 15	Receipt of despatch of January 27. Has published determination of Her Majesty's Government relative to British slaveholders....	1032
69. Lord J. Russell to Consul Munro.	April 30	Opinion as to term "barter" is correct	1032
72. Lord Wodehouse to Consul Munro.	Oct. 23	No steps can be taken against Mrs. Gray	1033

PORTUGAL.

	1860		
74. Sir A. Magenis to Lord J. Russell.	Mar. 24	Has forwarded to the Duke of Terceira copy of Admiral Grey's relative to Governor of Ibo	1033
77. " " "	May 4	Fresh instructions have been issued to Governor General of Mozambique.....	1035
82. " " "	Dec. 15	Remonstrances with Portuguese Government on Slave Trade on East Coast of Africa	1036

SPAIN.

	1860		
87. Sir A. Buchanan to Lord J. Russell.	May 10	Slave Trade Conference. Conversation with General Concha respecting abolition of Cuban Slave Trade	1037
88. Lord J. Russell to Sir A. Buchanan.	May 17	M. Lesseps as Acting Arbitrator on death of Spanish Judge	1037
97. Mr. Edwardes to Lord J. Russell.	July 20	Royal Decree permitting introduction of Chinese labourers into Cuba....	1038
99. " " "	Aug. 21	Has communicated Co-lic emigration papers	1052

TURKEY (EGYPT).

No.		Date.	SUBJECT.	Page
Consular :		1860		
162.	Consul-General Colquhoun to Lord J. Russell.	May 29	Remarks upon Slave Trade in Egypt	1069
163.	" "	June 8	Mr. Coulthard's Report on Slave Trade in Upper Egypt. Instructions for Consul at Khartoum	1069
164.	" " "	Dec. 9	Slave Trade in Red Sea	1072
165.	Consul Petherick to Lord J. Russell.	Dec. 21	Memorandum on Slave Trade in Egypt and White Nile	1075
166.	Lord J. Russell to Consul Petherick.	Dec. 31	Slave Trade in White Nile	1076
167.	Lord J. Russell to Consul-General Colquhoun.	Dec. 31	Ditto	1077

UNITED STATES.

				1860		
169. Mr. Elliot to Lord Wodehouse.				Mar. 30	Correspondence respecting <i>Jehossee</i>	1078
171. Lord Lyons to Lord J. Russell.				April 5	United States decline to take part in proposed Slave Trade Conference	1078
172. " "				April 5	United States decline to send any more ships to East Coast of Africa	1081
178. Lord J. Russell to Lord Lyons.				April 98	To propose a conjoint system of cruising on Cuban coast	1082
177. Lord Lyons to Lord J. Russell.				May 7	Has called attention of General Cass to defect in United States' laws	1083
179. " "				May 21	Has proposed that British and United States' cruisers should cruise in company off Cuba	1084
182. " "				May 26	General Cass inclined favourably to plan for joint cruising off Cuba	1084
183. " "				May 28	Capture of <i>Wildfire</i> and <i>William</i> . President's Message	1085
187. " "				June 23	Act of Congress respecting treatment of negroes captured from slavers	1092
190. " "				July 16	United States' Government unlikely to accede to joint cruising off Cuba	1094
192. Mr. Irvine to Lord J. Russell.				Aug. 18	President declines to accede to proposals for suppression of Cuban Slave Trade, and disapproves of introducing coolies	1094

No.			Date.	SUBJECT.	Page
			1860		
193.	Lord J. Russell to Lord Lyons.		Sept. 8.	Good understanding between British and American officers	1097
194.	" "	....	Sept. 10	Observations on reply of United States' Government to proposals of Her Majesty's Government respecting Cuban Slave Trade	1098
195.	" "	....	Sept. 22	Offer to dispose of slaves rescued by United States' cruisers in British West Indian Colonies	1099
196.	" "	....	Sept. 22	Capture of slaver by United States' ship <i>Crusader</i> off Anguilla, in British waters	1100
199.	Mr. Irvine to Lord J. Russell.		Oct. 18	American cruiser <i>Crusader</i> . Doubts as to whether the slaver was taken in British waters	1101
200.	" "	....	Oct. 23	Offer of Her Majesty's Government to receive, in British West Indies, any slaves emancipated by United States' Government declined	1101
201.	" "	....	Oct. 27	United States' Government cannot supply registers of American vessels	1102
204.	Lord J. Russell to Lord Lyons.		Dec. 15	Slave Trade under American flag. Her Majesty's Government cannot consent to be silenced	1104

AFRICA (BIGHT OF BENIN).

CONSULAR.

No. 1.—Consul Brand to Lord J. Russell.—(Rec. April 16, 1860.)
MY LORD, *Lagos, March 9, 1860.*

FOR some months past, the report spread every year since 1851, of a threatened attack on Abbeokuta, by the army of the King of Dahomey, has been very general in this neighbourhood.

In the month of December last the Basharon or War Chief of Abbeokuta, in writing to me on another matter referred to in this report, and from that time the rumour has been frequently revived, generally coming here from Abbeokuta, where all were well aware of it.

The anxiety on this subject, however, reached its climax on the 21st ultimo, when numerous letters were received by residents here from their correspondents at Abbeokuta, announcing the advance of the Dahomian army.

On that day I received the requisition, of which a copy forms Inclosure 1, asking for personal and material assistance.

With respect to the former, what I could do was to refer the application to the senior naval officer present, which I did in the subjoined letter, Inclosure 2, the *Brune* and *Spitfire*, being the only ships of war here at the time.

As regarded the material aid, although I felt that I had no specific instructions authorizing me to incur expense, yet, knowing the great interest which Her Majesty's Government has always taken in the safety and progressive prosperity of Abbeokuta, not only as the residence of British subjects and liberated Africans, but also as the advanced post of legal commerce, civilization, and missionary labour, in this portion of Central Africa; I thought I would be interpreting their wishes correctly by taking upon myself in such a crisis the responsibility of affording, as far as in my power, the assistance asked for, as I felt that, if aid was to be rendered at all, it should be afforded promptly, and to such an extent as to give a fair probability of its being efficient, I put aside the conflicting counsel of numerous persons who assembled at the Consulate on the evening of the 21st ultimo, and decided upon the course which it appeared to me best to pursue.

Accordingly, after transmitting the requisitions of the residents of Abbeokuta to the senior naval officer present, and getting King Docemo to send the "gong-gong" round to collect the Egbas with a view to their proceeding to aid their countrymen, I despatched next morning my letter in reply to the application made to me, Inclosure 3, and in the afternoon I forwarded by the river Ogun, the supplies mentioned in the letter of which Inclosure 4 is a copy.

On the same day, the 22nd, the Egbas in and about Lagos left to the number of nearly 300.

It was not till the 23rd that I received the communications dated 19th February, from the Rev. Mr. Townsend and the Alake, Inclosures 5 and 6, the latter of which I transmitted to Lieutenant Lodder in my letter of that date, this and my previous letter were acknowledged by that officer on the 24th, and having received by his orders, from Her Majesty's ship *Spitfire*, 30 rounds of 6-pounder solid shot and cartridge, I sent this additional supply on, accompanied by the letter of which Inclosure 9 is a copy.

The *Medusa*, Commander Bowden, senior officer of the Bights Division, arrived in the afternoon of the 24th ultimo, and Lieutenant

Lodder having transmitted to him the correspondence which had passed between us from the 21st ultimo to that date, I received the letter of which Inclosure 11 is a copy, containing Commander Bowden's views of the subject in question.

Inclosures 12, 13, and 14 are copies of a correspondence between Commander Bowden and myself. That officer appears to have thought that it was intended to send a combative force to Abbeokuta, a measure which I never contemplated.

At the close of this correspondence I forwarded to the Rev. Mr. Townsend and the Alake my answer to their communications of the 19th ultimo, Inclosures 15 and 16.

Great anxiety was felt here as to the issue of the contest should it come on, and various contradictory rumours were afloat relative to the movements of the Dahomian army, but I had no reliable intelligence from Abbeokuta until I received the papers of which Inclosures 17, 18, and 19 are copies, and which describe the state of things at that place about the time when they were written.

I sent a copy of the letter of the residents to Commander Bowden on the day of its receipt, Inclosure 20, but received no reply till yesterday, when the *Medusa* having been in the interim relieved by the *Viper*, Commander Hewett addressed to me the letter of which Inclosure 21 is a copy, in which the views of that energetic and distinguished young officer are set forth.

My latest intelligence from Abbeokuta is contained in the accompanying extract of a letter from the Rev. Mr. Townsend, Inclosure 22, dated the 6th instant. Although it be true that whilst the Dahomian army retains their present position as regards the River Oppara, their expedition cannot be considered as over, yet the general feeling both here and at Abbeokuta is that there will now be no attack this year. This feeling is shewn by the letters received by our merchants from their correspondents at Abbeokuta, requesting them now to send on the supplies of goods and other articles, which had been kept here in the uncertain state of things which has prevailed during the past 3 weeks.

Should the Dahomians cross the Oppara the campaign may be considered as ended, as the rainy season is approaching during which these people never keep the field. The King of Dahomey, although willing no doubt to wipe out the stain of his father's defeat in 1851, yet seems to have approached the place with caution as shewn by his attempts to form alliances with those native states supposed to be hostile to, or jealous of, the Abbeokutans, neither can there be any doubt that he became fully aware of the preparations that were being made to resist his threatened attack, which also must have had their influence in deterring him from approaching. In closing for this mail I may safely state that the probabilities are

now against any attack being made on Abbeokuta this season, and I shall be glad indeed if by the next opportunity I am able to report this as a matter of certainty.

I would only add an expression of hope that the steps taken by me to avert as far as in my power an impending danger which threatened the great interest involved in the safety of Abbeokuta, may be honoured with your Lordship's approval.

I have, &c:

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Messrs. Townsend and others to Consul Brand.*

SIR, Abbeokuta, February 19, 1860.

THE various rumours respecting the meditated attack on Abbeokuta by the Dahomians having taken a decided character, we the Undersigned British subjects, on behalf of the civilized portion of this town, beg most urgently to call upon you to render us all possible aid and assistance in this crisis for the protection of our lives and a considerable amount of property.

What will meet the present emergency are, cartridges and shots for 6-pounder brass field guns, pistol bullets, powder, and some persons experienced in managing the field pieces.

As it is reported to-day that the enemy is within a day's march, and the Chiefs have sent several detachments of soldiers to guard the gates of the town, we shall be thankful for an immediate reply.

We are, &c.

H. TOWNSEND.

D. HINDERER.

T. KING.

JOHN G. HUGHES.

C. B. MACAULAY.

SAMUEL CROWTHER, JUN.

F. RIBEIRO.

JOSIAH CROWTHER.

J. C. DEWRING.

C. W. FAULKNER.

G. Brand, Esq.

(Inclosure 2.)—*Consul Brand to Lieutenant Lodder.*

SIR, Lagos, February 21, 1860.

I TRANSMIT, herewith, the copy of a letter received this afternoon from Abbeokuta asking for certain supplies to resist the expected attack of the King of Dahomey. Means have been taken for forwarding a sufficient supply of lead and powder, 6-pounder shot, with the exception of perhaps a very small number, are not, I find, to be procured here, and I have, therefore, to solicit whatever aid it may

be in your power to render in this respect, and at the same time to submit to your consideration, whether it be possible to detach any number of persons qualified for directing the operation of field artillery.

I have, &c.

Lieutenant Lodder.

G. BRAND.

(*Inclosure 3.*)—*Consul Brand to Messrs. Townsend and others.*

GENTLEMEN,

Lagos, February 21, 1860, 10 P.M.

I RECEIVED about half-past 5 o'clock this afternoon, your letter of the 19th instant, and I immediately took such measures as were within my reach to render you the required assistance. A message was sent to the King to collect the Egbas, and direct them to proceed without delay to Abbeokuta to aid their countrymen, and also to act as carriers of such supplies as it may be possible to collect. I hope that at an early hour to-morrow a considerable number will be ready to move, and by them I shall be able to send a supply of lead and gunpowder. As to the 6-pounder shot they are not, so far as I have yet ascertained, to be had here, and I must apply to the senior officer, who I hope may be able to provide some, and it will be also for him to decide whether he can detach any number of persons qualified to direct the operation of field artillery. I shall write again to-morrow when my arrangements are more complete. One of our merchants informs me that he has forwarded, at the request of one of your Chiefs, 60 muskets and 900 rounds of musket balls.

You may rely on my best exertions in the present crisis; but I must express to you my surprise that (the reports of the intentions of the King of Dahomey having been so well known in Abbeokuta for months past) no application should have been made to me, either by Chiefs or residents, for those ordinary means of defence now asked, and which it would at least have been a prudential step to have collected without waiting, until the enemy approached so near as to be able to attack the town before your application to me could reach this place.

I have, &c.

Messrs. Townsend and others.

G. BRAND.

(*Inclosure 4.*)—*Consul Brand to Messrs. Townsend and others.*

GENTLEMEN,

Lagos, February 22, 1860.

WITH reference to my letter of last night, I now beg to inform you that I have just sent off 4 canoes, carrying the following supplies, viz.:

20 barrels of gunpowder in 276 kegs, equal to 2,000 lbs.; 2 cwt. of lead, 43 rolls, equal to 224 lbs.; 18 iron shots. I shall write again when I get a reply from the senior officer respecting the assistance which it may be in his power to render.

I have, &c.

Messrs. Townsend and others.

G. BRAND.

(Inclosure 5.)—*The Rev. H. Townsend to Consul Brand.*

MY DEAR SIR,

Abbeokuta, February 19, 1860.

You will find inclosed a letter from the Alake to yourself about the present state of the town and the prospect of an invasion by the Dahomians in great force.

As far as I can learn, there are too many reasons to fear the Dahomians, with many Yorubas, are within a short distance of Abbeokuta with the intention of making war upon it. I am sure you are fully aware of the importance of preserving this place, as in fact it is the chief centre of the civilization and Christianity that is progressing in this part, notwithstanding the unfortunate occurrence in connection with the Niger Loads. The whole town is in alarm, and the women singing about the streets to excite the men to go to the walls in defence of the town. It has been our lot to have annual Dahomian alarms since the first attack, but the present exceeds them all, and gives us a feeling that there is a real cause, it is in fact now like the time when the real attack took place.

I remain, &c.

G. Brand, Esq.

H. TOWNSEND.

(Inclosure 6.)—*The Alake of Abbeokuta to Consul Brand.*

SIR,

Atte, Abbeokuta, February 19, 1860.

THE Alake sends his best respects to you and wishes you health.

The Alake hopes you will not be surprised to see his letter containing petitions instead of salutations. At your arrival at Lagos the Alake was informed of it, then the Alake had just begun to make buildings in which he is still engaged, and consequently has postponed his sending to salute you till after having completed the buildings at which time he thinks not only to salute you, but to ask you to come up. 10 years ago when the Dahomians attacked Abbeokuta and were severely beaten and driven back, since then the Egbas have always heard every year that the Dahomians would reattack Abbeokuta, and as soon as it was reported to the Alake he always informed Mr. Townsend of it, and then asked him to make applications to the late Consul to send the Egbas officers, which report was always afterwards found to be false; this was repeated yearly. This year, the news of the Dahomians' intention to attack Abbeokuta being brought to the Alake he would not believe it, consequently would not send over to inform, or rather ask, Mr. Townsend to apply to you to send them officers to help them, but finding the report to be true the Alake in a great hurry now undertakes to write to you to send them 4 officers as the Dahomians are expected here within 3 or 4 days.

The Alake begs you not to delay in sending help; it has been reported that the Dahomian armies are very large. It may be that

the Egbas and Dahomians will have engaged in battle before the officers' arrival, should they be departed before this time, it is just the same to the Alake who has been very anxious to be favoured by being visited by English officers. It has also been reported that if the Dahomians could not rush into the town in their first attack, they will retire at some distance from the town and encamp. The Alake has sent his armies to stop by the walls out of the town.

Written by me,

G. Brand, Esq. DAVID WILLIAMS for THE ALAKE.

(Inclosure 9.)—Consul Brand to Messrs. Townsend and others.

GENTLEMEN,

Lagos, February 24, 1860, 1 P.M.

ON the 22nd I despatched 4 canoes with certain supplies mentioned in my letter of that date, which accompanied those supplies and of which I also sent a duplicate overland.

I had hoped to be able to send at least a portion of these articles overland, but as the Egbas, who were collected with a view to proceeding to aid their countrymen, positively refused to become the carriers of supplies for the defence of their own town, I was obliged to send all in the more tedious way by the river. Her Majesty's ships here at present are the *Brune* and *Spitfire*, Lieutenant Lodder of the former vessel being the senior officer. There were no 6-pounder shot on board the *Brune*, but I received last night from the *Spitfire* 30 rounds, with an equal number of cartridges. I have kept these till now, as I have been in hourly expectation of the arrival of the senior officer of the Bights division. As the *Medusa*, however, has not yet arrived, I am unwilling that there should be any further delay, and I accordingly despatch a canoe with the supplies of shot and cartridges received from the *Spitfire*.

I have, &c.

Messrs. Townsend and others.

G. BRAND.

(Inclosure 11.)—Commander Bowden to Lieutenant Lodder.

SIR,

Medusa, Lagos, February 25, 1860.

I HAVE received the correspondence between Mr. Consul Brand and yourself relative to the anticipated attack on Abbeokuta.

I am of opinion you were right in acceding to the Consul's request concerning the ammunition; he would not have worded it so strongly unless he had reasons for helping the Abbeokutans against the Dahomians.

As regards your not detaching any officers to Abbeokuta you are unquestionably right. The orders to defend Lagos from attack do not in my opinion in any way include friendly towns or States. Landing a few officers and men, totally unprotected, and sending

them into the interior to take part in a war amongst native tribes would not be justifiable under any circumstances.

I am, &c.

Lieutenant Lodder.

W. BOWDEN.

(*Inclosure 12.*)—*Consul Brand to Commander Bowden.*

SIR,

Lagos, February 27, 1860.

LIEUTENANT LODDER has transmitted to me a copy of your letter of the 25th instant, relative to the expected attack upon Abbeokuta by the army of the King of Dahomey.

From the correspondence forwarded to you by that officer you will see the nature of the application made to me, and I would venture to submit whether it might not be advisable that some further supply of 6-pounder shot and cartridges, or the shot alone, if the cartridges cannot be spared, should be sent to Abbeokuta.

But for the decided terms of your letter, stating that the detaching of officers or men would not be justifiable under any circumstances, I would have suggested that the presence of even one volunteer officer in the present crisis could not fail to produce an encouraging and sustaining influence on the Abbeokutans, and a corresponding effect in intimidating their enemies.

There are interests involved in the result of such a contest as that anticipated between Dahomey and Abbeokuta, which give to it a much higher importance than that of an ordinary war between native tribes.

I have, &c.

Commander Bowden.

G. BRAND.

(*Inclosure 13.*)—*Commander Bowden to Consul Brand.*

(Extract.)

Medusa, Lagos, February 27, 1860.

I HAVE the honour to acknowledge the receipt of your letter of to-day's date, and in reply beg to inform you that I approved of Lieutenant Lodder's furnishing you with ammunition, because in your letter to him you solicited whatever aid it might be in his "power to bestow in that respect."

In your letter of to-day you submit to me, whether it might not be advisable that further supplies of ammunition should be sent to Abbeokuta. In reply, I have to inform you that I am unaware of any treaties or obligations which would authorize my taking any offensive measures against the Dahomey people, even in supplying their adversaries with ammunition. The *Medusa* has no 6-pounder, and cannot therefore supply shot, but should you from your knowledge of the views of our Government deem it imperative to give powder to Abbeokuta, I will cause it to be supplied to you, taking your receipt for the same.

As regards detaching officers or men to the interior to take part in a native war, I do not think I should be justified under any circumstances in doing so, without the sanction of the senior officer of the station.

Commodore Edmonstone is expected here the first week in April. In the mean time I will remain in the roads if you think it necessary, in case of any attack on Lagos, or other circumstances arising, until I am relieved by the *Viper*.

G. Brand, Esq.

W. BOWDEN.

*(Inclosure 14.)—Consul Brand to Commander Bowden.

SIR,

Lagos, February 27, 1860.

I HAVE the honour to acknowledge the receipt of your letter of this date in reply to the communication which I sent to you this morning.

With reference to what you state respecting the Dahomey people, allow me to observe that I have hitherto been under the impression that there was an instruction issued by the Commodore to the effect that the present rulers of Lagos and Abbeokuta should be supported against any attempt on the part of Kosoko or the King of Dahomey.

As regards the considerate offer made in the last paragraph of your letter, which I gratefully acknowledge, I am happy to say that I do not at present anticipate anything arising here which would justify me in keeping you from other important duties, by representing the necessity of the *Medusa* remaining here until the arrival of the *Viper*.

I shall now despatch the Alake's messengers, whom I have detained till I should learn your decision on the matters which I felt it right to submit to your consideration.

I am, &c.

Commander Bowden.

G. BRAND.

(Inclosure 15.)—Consul Brand to the Rev. H. Townsend.

MY DEAR SIR,

Lagos, February 27, 1860.

ON the 23rd I received your letter, together with that of the Alake, to which I now send a reply, and I will be much obliged by your having the goodness to read it to him.

I hope my letters of the 22nd and 24th may reach you safely. By them you will see that I lost no time in acting upon the requisition made to me by yourself and other residents, and I shall be glad to learn that the supplies I forwarded reached you in time.

I have detained the messengers till now, as the senior officer arrived in the roadstead a few hours after my letter of the 24th was written. A correspondence has passed between us, but as I have

failed in obtaining any further supplies of the kind I applied for, and as he states that he does not feel himself authorized to detach either officers or men without the sanction of the Commodore, I shall not detain them any longer.

I can assure you, that in the present crisis I have acted solely from a deep sense of the important interests involved in the successful defence of Abbeokuta, and have not allowed myself to be influenced in the slightest degree by the affair of the Niger Loads, or by any other consideration.

I expect that care will be taken in the proper distribution of the supplies I have been able to forward, and that any portion not required will be kept in deposit. I cannot but regret that the application to me was delayed till the eleventh hour, but I had no sooner received it than I did my best to meet it.

Should the enemy make the attack, I pray that the God of Battles may be with you in the hour of trial and danger.

Believe me, &c.

The Rev. H. Townsend.

G. BRAND.

(Inclosure 16.)—*Consul Brand to the Alake of Abbeokuta.*

Lagos, February 27, 1860.

THE Undersigned, Her Britannic Majesty's Consul, presents his respects to the Alake of Abbeokuta, and has to acknowledge the receipt of the Alake's letter of the 19th instant, which reached him 4 days after its date.

The Consul had previously received an application from the residents of Abbeokuta, and on the receipt of that application, made haste to render all the aid in his power.

Supplies of ammunition were sent by the Consul on the 22nd and 24th of the present month, and the Consul sincerely hopes that their supplies may have reached Abbeokuta in time.

The Consul has detained the Alake's messenger till now, as he felt it his duty to lay the Alake's letter before the senior British naval officer present, and wait for his reply; but as that officer now states that he does not feel himself authorized to send British officers to Abbeokuta without the sanction of the British Commodore, who is not here at present, the messengers will not be detained longer.

The Consul assures the Alake and people of Abbeokuta that his deepest sympathies are with them on the present occasion, and he feels confident that, should the enemy venture to attack them, they will show equal bravery and obtain equal success as they did 9 years ago.

The Consul prays that the Great God who rules the universe, whom Christians worship, and the true knowledge of whom Christian

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missionaries teach, may protect the Alake and his people in the hour of danger.

The Alake of Abbeokuta.

G. BRAND.

(Inclosure 17.)—*Messrs. Townsend and others to Consul Brand.*

SIR, *Ake, Abbeokuta, February 27, 1860.*

WE have received your esteemed favours of the 21st and 22nd instant, and beg to tender you our hearty thanks for the prompt manner in which you have aided us.

The canoes have safely arrived at Agbamaya with the powder, lead, &c.

Since we last wrote to you, the position of the Dahomian army has been accurately ascertained, they lie within two days' journey from Abbeokuta, and have lately destroyed the small town of Idanyin between Ketu and Mekkoh, report says that the inhabitants of the town were massacred.

The Egba army is still encamped before their walls.

You expressed your surprise at not receiving earlier information of the intended attack of the Dahomians. During the last 8 years, there have been constant rumours at this season of war from the Dahomians which have all proved false; till lately, we have been under the impression that this was of the same nature.

We believe that the King and Chiefs have felt ashamed to write or send to you on account of their behaviour to Lieutenant Glover.

Nine years ago the Dahomians fought on the 3rd of March, and it is not unlikely they may come about the same time.

We trust you will be successful in your application to the senior officer, as a leading mind is sadly needed.

We are, &c.

JOHN G. HUGHES.

SAMUEL CROWTHER, JUN.

F. RIBEIRO.

JOSIAH CROWTHER.

J. C. DEWBING.

H. TOWNSEND.

G. Brand, Esq.

(Inclosure 18.)—*The Rev. H. Townsend to Consul Brand.*

MY DEAR SIR, *Ake, Abbeokuta February 27, 1860.*

WE have heard to day from Iketu that the Dahomey army, after having destroyed a town called Idanyi, had a fight with the people of Iketu, since which they have directed their march homeward.

We are told that their army was divided into several parts, one of which took Idanyi, and another fought with the Iketu people, whilst other divisions were sent to watch other towns. The people here are very anxious to return to their farms, and were very

anxious that the Dahomians should come and settle their palavers with another fair battle, that they may be saved their annual alarm. It is a great loss to the country and also a source of irritation between them and their neighbours.

Dahomey messengers are yearly sent round to Oyo and Ibadan to endeavour to stir them up to join in an attack on this place, which at least makes Abbeokuta suspicious of Ibaddan and Oyo. There is open war threatened between Ibaddan and Ijaye. One of the American missionaries stationed at Ijaye was caught by the Ibaddan people and taken to Ibaddan. He was kindly treated by the Ibaddan Chief and set at liberty with permission to return to Ijaye. The Abbeokuta people are still at their camp behind the wall afraid of treachery I hear, and anxious to see what Ibaddan will do to Ijaye. Ijaye is the friend of Abbeokuta, and should Ibaddan turn out in force against Ijaye, there is every probability of this place taking part against Ibaddan. I fear the present state of things promises any thing but good, we must however trust in a gracious Providence to bring good out of this evil.

We are much indebted to you for your prompt help, I think it produces a good effect upon the people.

I had but written the above when another report is brought from the camp that some Okeodan people have come in haste reporting that the Dahomians are approaching. Amidst all the reports brought us we are at a loss to know what to believe.

Believe me, &c.

G. Brand, Esq.

H. TOWNSEND.

(Inclosure 19.)—*The Rev. E. Bickersteth to the Leaders in the Wesleyan Missionary Society.*

DEAR BRETHREN, *Abbeokuta, February 28, 1860.*

As I know that you will feel anxious to hear from me in the midst of this troublous time, I therefore deemed it necessary to address you a few lines touching the rumour of war. It is the fact that the Dahomians are intending to attack Abbeokuta, and not only the Dahomians, but the Ibaddans' army too; the Ijebus also promised to attack the Egbas; they are only waiting the Dahomians to begin the operation and they will soon follow.

Hearing these, the Egbas are now encamped around their town wall, waiting to receive their enemies. You will at once see, dear brethren, that we are surrounded with foes; in order that the people of Ibaddan may get sufficient ammunition to attack the Abbeokutans with, the Ijebus have reduced the prices of guns and powder to 5 heads of cowries, and powder about the same. The King of Dahomey had attacked a small town in the vicinity of Ketu, called Danyin, and caught a few captives, killed the King and

stuck his head on a pole in the market place. Soon as the Ketu people heard this they sent a detachment of 100 guns, fell upon the Dahomians a little. After all, the above few lines is read, brethren, pray for us, we ourselves will not cease to pray to our Heavenly Father to keep us from all the evil intention of our enemies. You will not have me down so soon as I had expected, until the rumour cease. May the Lord bless and keep you with his grace. With kind regards to you all.

Yours, &c.

The Leaders of the

Wesleyan Missionary Society.

EDWD. BICKERSTETH.

(*Inclosure 21.*)—*Commander Hewett to Consul Brand.*

SIR,

Viper, off Lagos, March 8, 1860.

COMMANDER BOWDEN having handed me over your letter of the 29th ultimo, with an inclosure from the British subjects now at Abbeokuta, I beg to acknowledge its receipt.

I quite agree with you on the subject of the importance of Abbeokuta as the outpost of our growing trade and missionary labours, and that nothing ought to be spared to save it from an attack of the Dahomians.

Should the King and Chief of Abbeokuta request your assistance, and volunteers could be found who would carry a remonstrance to the Dahomian Chief from the British authorities on the injustice of this war, and in the event of this remonstrance being paid no attention to, assist, by their moral influence and knowledge of the art of warfare, the defence of Abbeokuta much loss of life and property might be saved, and I doubt not that the presence of a British Government Officer at Abbeokuta would prevent any collision or fight.

I have &c.

G. Brand, Esq.

W. N. W. HEWETT.

(*Inclosure 22.*)—*The Rev. H. Townsend to Consul Brand.*

(Extract.)

Ake, Abbeokuta, March 6, 1860.

I DESIRE thankfully to acknowledge your letter of February 27, inclosed in one to the Alake. I read your letter to the Alake, and had it fairly interpreted to him. He was very thankful to you for your kind efforts to procure what he desired.

A well armed and escorted caravan has come down from Igaye, with the mail from Dr. Baikie, which I forward to you. Abbegga, it appears, had not reached him when he wrote.

The supplies you kindly sent up will be carefully kept: it is intended to erect a magazine for the powder.

Our latest information about the Dahomians is, that the army is still on this side of the Oppara river, and until they cross this river their expedition cannot be regarded as over.

G. Brand, Esq.

H. TOWNSEND.

No. 2.—*Consul Brand to Lord J. Russell.*—(Received May 14.)
(Extract.) *Lagos, April 9, 1860.*

I HAD the honour, in my despatch of the 9th ultimo, to report the steps taken by me to avert the danger which threatened Abbeokuta, and I expressed an opinion, that judging from the best information I had obtained at the time I wrote, the probabilities were against any attack being made by the King of Dahomey this season. It is now ascertained that Guelélé has returned to Abomey, and, although there have been rumours of his having taken the field a second time to obtain more victims for his ensuing sacrifices, yet at this advanced period, the season of the rains being close at hand, there is no chance of his venturing far from his barbarous capital.

The danger of an actual attack on Abbeokuta this year I may safely say is now over, but the influence which the fear of that attack had, in stopping trade, impeding communication, and in disturbing the peaceful industry of the country, is still felt; the effects of the intrigues of Guelélé among the Yoruba tribes are visible in the present unsettled state of the interior, and this same state of things may recur next year.

The power and barbarous policy of the Chief of Dahomey is one of the greatest obstacles to the progress of industry, commerce, and Christian civilization in this part of Africa. Year after year the interior portion of the country is unsettled by his wars and slave hunts, whilst on the line of coast he not only protects the slave-dealers, but also harasses the legal trader.

He puts forth a claim to a jurisdiction over three-fourths of the extent of the coast of this Consulate District, and actually exercises a pernicious influence over that portion of it lying from Badagry to Great Popoe, and even beyond that place his authority is felt. It is along this portion of the coast where his power is most felt, that the slave-dealers still linger.

Whilst slave-dealers are protected, legal traders, unless they work into the hands of the traffickers, are harassed, and should any unfortunate vessel be stranded upon the shores of his inhospitable territory, everything is seized. The case of the *Columbia* of Bristol in 1857, reported by my predecessor, is an example, and a few weeks ago, the brig *Fanny* of Hamburgh which got on shore, and was wrecked about two miles from Whydah, was dealt with in a similar way. The master of the *Gambia* of Bristol gave some aid to the wrecked vessel and saved a few articles, chiefly the clothes of the crew, but the Whydah authorities hearing of this, and finding the mate of the *Gambia* on shore, seized and detained him till the master delivered up what he had saved. The master of the *Gambia* having subsequently gone on shore was obliged to escape on board, it being the

intention of the Whydah authorities to seize him and impose a fine for aiding the unfortunate vessel.

The cause of humanity, peaceful commerce, and Christian civilization, loudly demand that some restraint be put on the power and influence of this barbarian Chief, who annually causes confusion and bloodshed in the interior, whilst he protects the slave-dealer and harasses the legal traders on the coast.

Lord J. Russell.

G. BRAND.

No. 3.—Consul Brand to Lord J. Russell.—(Received May 17.)

MY LORD,

Lagos, April 9, 1860.

MY preceding despatch informed your Lordship of the retreat of the army of the King of Dahomey, and that all chance of any attack upon Abbeokuta this season was over. I regret, however, to add that the Yoruba country is in a very unsettled state, caused probably in part by the intrigues of Dahomey, who is known to have made efforts to form an alliance with the people of Ibaddan. The Ibaddan army is encamped around Ijaye, another large town, the Are or Chief of which has never recognized the present King of Oyo, who still claims the titular dignity of King of the whole Yoruba country.

The people of Ijaye are friendly to Abbeokuta, and the fear is, that the Abbeokutans may be induced to join their friends, and thus a general war ensue which might last for years.

The effect of all this is an interruption of the course of trade, and as we depend at Lagos very much upon the Yoruba country for our supplies of articles of export, that interruption is severely felt here.

I inclose the copy of a paper which was delivered to me officially by the Rev. Messrs. Crowther and Maser, and I also inclose a number of a small newspaper which for some time past has been published at Abbeokuta. From these inclosures an idea of the present state of affairs in the interior may be gathered.

On the receipt of the former of these papers, I called a meeting of the merchants, which was very numerously attended, and has assembled from time to time since by adjournments.

At the meeting of last Saturday it was resolved to carry out the resolutions passed at the first meeting, of sending a deputation to the interior, the object of which would be, in the first instance, to advise the Abbeokutans to keep out of the strife; and, in the second, to endeavour to persuade the Ibaddans to give up their warlike intentions, and to open the roads for the flow of peaceful commerce.

I thought that, as we had recently afforded aid to the Abbeokutans, we were in a good position to be heard with deference, and I felt it right to promise to the merchants that I would send a special messenger to support their deputation.

I have made an application to the senior officer for permission being given to Lieutenant Lodder, as a most competent person, to undertake this important service, an application which I believe will be granted, and the deputation will likely depart in a few days.

I have, &c.

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Extract of a Letter from the Rev. H. Townsend.*

March 12, 1860.

THERE is a great danger that the whole country will be involved in this war. This town sympathizes with Ijaye; the Ibaddan people are doing now such things as will lead these people to go against them. Oguenolla, the Olun of Ibaddan, is encamped at Ilugun; they have destroyed the farms of the people there. There can be no reason for this; no excuse on account of their Ijaye war. It is out of the way, as far from Ijaye or farther, than Ibaddan itself is. The Ibaddan people have kidnapped Egbas; known to be such; and more especially they have stolen their property in coming down from Ilorin and trying to pass by Ibaddan, as Ijaye is shut in. Some of the influential Chiefs here are for resisting with force this conduct; others desire to try to make peace first, before trying war. The latter at present prevail with their opinions. Such complications as now exist are not to be settled by a letter and two or three common persons bearing it. The merchants at Lagos should try to enlist the Egbas with themselves in it, and with the view, also, of keeping them out of the strife. It must be borne in mind, also, that the destruction of Ijaye by Ibaddan would be an evil to the country, as Ibaddan is already too strong, and uses it to perpetrate war and kidnapping. In fact, a balance of power is useful now. The advance of civilization and Christianity would be retarded, I think, by the uprising of a strong native Government in the country.

There will be great losses this year for the mercantile community unless a change speedily takes place; from here, even, no canoe can go down with produce.

I hope our fears will not be realized, but it would be good if the mercantile community at Lagos, headed by the Consul, could enter into some understanding with the Egbas, and conjointly make an effort for peace.

(Inclosure 2.)—*Extract from the "Iwe Irohin" (Newspaper published at Abeokuta).*

Abeokuta, March 24, 1860.

For a long time past the prospects of the country have not been so gloomy as at present. The fear of an invasion by the Dahomey

army has passed away, but the warlike plans of the Ibaddans have now become developed and decided.

Though oil has not been purchased at Ibaddan by the Ijebus for some time past, an active trade has been carried on in war material; muskets have been sold there for 6 heads of cowries each; whilst at Abbeokuta they were sold at the same time for 9 and 10 heads each. The cause of this cheapness of muskets at Ibaddan is explained thus, that the Ijebu traders have engaged to sell muskets at this rate, whilst the Ibaddans have on their part engaged to sell slaves at 5 bags each. We have been informed that the head War Chief of Ibaddan is averse to this war, but his voice against it is silenced by public clamour for it, aided, perhaps instigated, by the second Chief. It is not difficult to understand that persons who have just come in possession of muskets through their cheapness should earnestly desire an opportunity of using the coveted weapon.

In the arrangement to sell cheap muskets on condition that slaves should be sold at a low rate, there is evidently an attempt at reviving the Slave Trade; the more so as it comes from the Ijebus, who have also endeavoured to put an entire stop to the palm oil trade in their country. It is to be hoped that additional means to watch the Ijebu ports and roads for shipping or transferring slaves from one part to another will not be wanting, to demonstrate how vain it is for them to labour for a revival of that evil traffic.

Our recent accounts are, that the Ibaddans are to be met at some places between Awaye and Iberukodo, on the west, watching the roads, and catching whomsoever they can; to the north-east is Oyo, the king of which instigated Ibaddan to the war; between Oyo and Ibaddan, on the east, are dependencies of Ibaddan; from Ibaddan westward, on the roads between Abbeokuta and Ijaye are parties of Ibaddans encamped at various points. By these means Ijaye is enclosed and cut off from all communication with their friends. A caravan came down by an unused road from Ijaye, but have not been able to return.

Abbeokuta as yet stands aloof, but not unconcerned, for they feel a sympathy at all times with Ijaye; and they regard these hostilities against Ijaye as also aimed at them; indeed, as a part of a great plan made between Dahomey, Oyo, Ibaddan, and Ijebu to destroy Abbeokuta and the advancing civilization of the country. The active intercourse, the presents made, together with the known enmity of a part if not the whole of the above against them give them a strong reason for holding this suspicion. Besides which, an Egba town called Illugun, has been invaded, the people driven out, and their farm produce consumed by Ibaddan, which is regarded as an hostile act. Illugun is farther from Ijaye than Ibaddan, and in no form connected with Ijaye.

Messengers have been sent to Ibajan from Abbeokuta, their object being to endeavour to reconcile the hostile parties; at the same time messengers were sent to Abbeokuta to restore some persons kidnapped at Imala by Ibaddans (4 are restored out of 16 kidnapped).

A meeting of the Egba Chiefs was held at the Basorun House on the 15th instant, to give an answer to the Ibaddan messengers. The substance of the answer was this: that if the Chief of Ajaye had done anything against Ibaddan that Ibaddan ought to have followed in this case the course pursued by their former Chief, Oluyole, who sent to Sodeke and made him acquainted with the cause of their quarrel with a view to a peaceful settlement of it by mediation, but they, the Egbas, were not made acquainted with the reason of this quarrel. Furthermore, that the Ibaddans had not only encircled Ijaye, but had gone out of the way to destroy an Egba town. That they, the Egbas, still desired peace; but at the same time wished to declare to the Ibaddan Chiefs, that if hostilities were continued against Ijaye they should go to their assistance and declare war against Ibaddan. We are officially informed, that if their messengers sent on the 11th instant do not return with a declaration on the part of the Ibaddan Chiefs that they are willing to entertain proposals of peace, they will immediately close the Ibaddan road, and declare war as soon as they can with Ibaddan. At present the road is all but closed; all Egbas, or persons from the coast, are warned not to go on the road, as it is unsafe. The messengers lately sent up from Lagos to Ibaddan were stopped at Atadi, and not allowed to pass until they had obtained the special permission of the Alake.

The latest news from Ibaddan is, that the last detachment of the Ibaddan army left for the seat of war on Monday last.

By persons coming from Ibaddan we learn that Ilugun was completely destroyed, the walls of the houses knocked down and broken in pieces. Ogumola, the second War Chief of Ibaddan, is the author of this wanton act of destruction on an Egba town.

A large meeting was called in Abbeokuta on Tuesday. It was the largest we remember to have seen. It was estimated that 8,000 persons were present, all of the male sex, and nearly all capable of bearing arms in war. Preparations for war were commanded to be made.

No. 5.—Lord J. Russell to Consul Brand.

SIR,

Foreign Office, May 23, 1860.

I HAVE received your despatch of the 9th of March last, together with its inclosures, reporting the steps taken by you to procure assistance for the Abbeokutans, in order to enable them to resist the threatened attack of the King of Dahomey, and I have to acquaint you that I approve your proceedings in this matter.

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I have at the same time to inform you that the Commander-in-chief of Her Majesty's Naval Forces on the African Station will be instructed to make a communication to the King of Dahomey, to the effect that the Abbeokutans are our friends, and that if he continues every year to disturb the peaceful commerce of that town by his threatened attacks, he must do so at his peril, as he will thus assuredly bring down upon himself the hostility of Her Majesty's Government.

I have to add that if you should have an opportunity of making a communication in the above sense to the King of Dahomey you are at liberty to do so.

I am, &c.

G. Brand, Esq.

J. RUSSELL.

No. 6.—Lord J. Russell to Consul Brand.

SIR,

Foreign Office, May 23, 1860.

WITH reference to your despatch of the 9th of April, reporting the disturbed state of the Yoruba country, I have to acquaint you that I entirely approve the steps which you have already taken, and the course which you propose to pursue, with the view to bring about a more peaceful state of things in that country.

It is not necessary for me to inform you that it will be your duty on all occasions to use your best endeavours to put a stop to hostilities between the native Chiefs.

I have only further to say, that if you should have the opportunity, you will assure the Chiefs of Ibaddan, Ijaye, and other large towns, that Her Majesty's Government are most anxious to be on friendly terms with them all.

You will moreover point out to them the advantages to be derived from living on peaceable terms with their neighbours, and from employing their servants and people in cultivating the land, and in exchanging its products with the merchants on the coast, instead of engaging in fruitless and destructive wars.

I am, &c.

G. Brand, Esq.

J. RUSSELL.

No. 7.—Consul Brand to Lord J. Russell.—(Received June 11.)

MY LORD,

Lagos, April 16, 1860.

I HAVE the honour to state, that the deputation of merchants referred to in my despatch of the 9th instant, accompanied by Lieutenant Lodder as a special messenger from this Consulate, left on the morning of Friday the 13th instant.

I inclose herewith, copies of a correspondence with the senior officer, and also copies of the letters which I entrusted to Lieutenant Lodder to be delivered to the Chiefs of Ibaddan, and the Aré of Ijaye respectively.

The members of the mercantile deputation are Mr. J. M. Turner, a relative of the Bashoron or second Chief of Abbeokuta and Mr. J. B. Thomas. Both these gentlemen are Sierra Leone emigrants, natives of Yoruba, and, speaking the language of the country, they possess the great advantage of communicating directly with the Chiefs without requiring the services of an interpreter.

I have, &c.

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Consul Brand to Commander Hewett.*

SIR,

Lagos, April 4, 1860.

You are already aware of the alarm recently occasioned by a threatened attack upon Abbeokuta by the King of Dahomey, and of the feeling of insecurity and stoppage of trade which ensued in consequence. This danger appears to have passed over for the present, but I regret to say, that the unsettled state of the Yoruba country, upon which Lagos almost entirely depends for the articles of its export trade, is such as to threaten very serious consequences. The people of Ibaddan seem resolved to make war upon Ijaye, a town friendly to Abbeokuta, and in which the Church of England Missionary Society has an agency, and it is to be feared that the Abbeokutans will be disposed to aid the people of Ijaye, and thus the whole of the interior may long be involved in war. Such a war we know by experience might last for years, completely arresting the progress of increasing commerce and Christian civilization in this portion of Central Africa. A meeting of the Lagos merchants was recently held at this Consulate, when it was resolved to send a deputation to the interior to endeavour to avert this evil by inducing the Egbas to keep out of the strife, and if possible to get the Ibaddans to give up their warlike intentions, and allow the roads to be reopened for the flow of peaceful commerce.

This state of things has appeared to me to be so serious, that I have felt the necessity of sending a special messenger along with the mercantile deputation; and having recently aided the Abbeokutans, this gives us a better claim to be heard. As in such cases much depends upon the individual, and as Lieutenant Lodder, who has already visited Abbeokuta, is well known to the Chiefs, from the official position he has held here and his long residence, possesses not only the requisite knowledge, but also that influence which tends so much to ensure success, I have felt it right to enquire of you, as senior officer of this division, whether in the present pressing emergency you could authorize that officer to undertake this important mission.

I have, &c.

Commander Hewett

G. BRAND.

(Inclosure 2.)—*Commander Hewett to Consul Brand.*

SIR,

Viper, off Lagos, April 5, 1860.

IN reply to your letter of yesterday's date, pointing out the deplorable state of the interior of the country, and thereby stoppage of trade, &c., insomuch that the merchants at Lagos, with yourself, have deemed it necessary to send a deputation to prevent if possible any more serious results arising.

Your letter particularly points out the necessity of a special messenger accompanying the said deputation, and that Lieutenant Lodder is the one best fitted to go; under these circumstances I feel myself authorized to permit that officer to proceed into the interior of the country, so as to carry out your views, upon application being made in a more direct form.

I have, &c.

G. Brand, Esq.

W. N. W. HEWETT.

(Inclosure 3.)—*Consul Brand to Commander Hewett.*

SIR,

Lagos, April 7, 1860.

I HAD the honour to receive your letter of the 5th instant in reply to my communication of the previous day, respecting Lieutenant Lodder proceeding as a special messenger, along with a deputation of merchants, with a view to endeavour to put an end to the unhappy state of things which at present prevails in the Yoruba country.

I beg to offer you my best thanks for this communication, and to add that another meeting of the merchants was held at the Consulate this day, when it was stated that the position of affairs in the interior is such as to hold out encouraging hopes to proceed; and it was resolved that the deputation should depart as early in the ensuing week as possible. The time likely to elapse from the departure of the deputation till their return should not exceed 3 weeks, and probably may be much shorter. Should Lieutenant Lodder, therefore, be willing to undertake this mission, which I believe him to be, I would respectfully beg to apply to you, as senior officer, for the requisite permission being granted to him for that purpose.

I have, &c.

Commander Hewett.

G. BRAND.

(Inclosure 4.)—*Commander Hewett to Consul Brand.*

SIR,

Viper, off Lagos, April 11, 1860.

IN reply to your letter of the 7th instant requesting my leave for Lieutenant Lodder to join a special mission into the interior, I beg to inform you (that on your request, and the hopes of success which you entertain) I have granted that officer the leave required, and trust that the deputation will meet with the results so hopefully

expected, and that peaceful commerce will once more resume its sway.

I have, &c.

G. Brand, Esq.

W. N. W. HEWETT.

(*Inclosure 5.*)—*Consul Brand to Commander Hewett.*

SIR,

Lagos, April 11, 1860.

I HAVE the honour to acknowledge the receipt of your letter of this date, informing me that in compliance with my request, you have granted permission to Lieutenant Lodder to proceed on a special mission to the interior, for which I beg to convey to you my best thanks.

The deputation, I expect, will be able to start on Thursday morning, and I fondly hope the good results expected from it may be fully realized.

I have, &c.

Commander Hewett.

G. BRAND.

(*Inclosure 6.*)—*Consul Brand to the Alake and Chiefs of Abbeokuta.*

Lagos, April 12, 1860.

THE Undersigned, Her Britannic Majesty's Consul, presents his compliments to the Alake and Chiefs of Abbeokuta.

The Consul has learned with satisfaction that the King of Dahomey has withdrawn his armed force, but regrets to hear that the peace of the Yoruba country has been disturbed by the warlike intentions of the people of Ibaddan.

Feeling the great importance of maintaining peace, on which the prosperity and happiness of the land depend, the Consul hopes that the Alake and Chiefs will not only keep apart from these wars themselves, but also use all their influence to induce the people of Ibaddan and Ijaye to settle their differences without resorting to war, at all times, a great calamity, and one which in the present case would only spread misery, bloodshed, and desolation over the country.

The Consul showed the interest he felt in the safety and well-being of Abbeokuta, by rendering all the aid in his power on the occasion of the recent threatened attack of the King of Dahomey, and he trusts the Alake and Chiefs will now listen to his advice to maintain peace.

To give the Alake and Chiefs a proof of how much interest he feels in the prosperity of their country, the Consul sends an honourable officer of Her Britannic Majesty's Navy, Lieutenant Edward Francis Lodder, already favourably known to them, accompanied by Mr. J. M. Turner and Mr. J. R. Thomas, two gentlemen selected by the merchants of Lagos to represent them, and to express their wishes.

The gentlemen proceed to the interior as messengers of peace, and the Consul hopes the Alake and Chiefs will listen to their

friendly counsel, and render them all aid in their honourable endeavours to restore the blessings of order and prosperity to the Yoruba country.

The Consul wishes health and happiness to the Alake, his Chiefs, and the whole body of their people.

The Alake and Chiefs of Abbeokuta.

G. BRAND.

(Inclosure 7.)—*Consul Brand to the Chiefs of Ibaddan.*

Lagos, April 12, 1860.

THE Undersigned, Her Britannic Majesty's Consul, sends his compliments to the Balle, Chiefs, and Captains of Ibaddan.

The Consul has heard with much concern of the unhappy state of things which now unsettles and disturbs the peace and prosperity of the Yoruba country.

The Consul feels that war can but lead to wide-spread misery and desolation, and as the happiness and well-being of the land can only be secured by order, peace and tranquillity, he would earnestly exhort the Balle, Chiefs, and Captains to settle whatever differences may have led to the present state of things without inflicting upon their fellow-men the calamity of war.

As a proof of the interest he feels in the welfare of their country and people, the Consul now sends Lieutenant Edward Francis Lodder, an honourable officer of Her Britannic Majesty's Navy, who is accompanied by Mr. J. M. Turner and Mr. J. R. Thomas, two gentlemen selected by the merchants of Lagos as their representatives.

These gentlemen proceed as messengers of peace, they seek only to see tranquillity and happiness restored, they will give disinterested advice and assistance to the people of Ibaddan in settling their differences, and the Consul hopes that the Balle, his Chiefs, and Captains will listen to their pacific counsel, withdraw their forces and allow the roads to be again opened for the flow of peaceful commerce and industry.

The Consul wishes the Balle, Chiefs, and people of Ibaddan all health, happiness, and prosperity.

The Chiefs of Ibaddan.

G. BRAND.

(Inclosure 8.)—*Consul Brand to Aré, Chief of Ijaye.*

Lagos, April 12, 1860.

THE Undersigned, Her Britannic Majesty's Consul, sends his compliments to Aré of Ijaye.

The Consul has learned with much regret of the present unhappy state of things in the Yoruba country, the encampment of the army of Ibaddan round Ijaye, the stoppage of the roads, and

the interruption caused to peaceful industry, which, if continued, must cause wide-spread misery and distress.

The Consul is most anxious to hear of tranquillity and order being restored; and, as a proof of that anxiety, he has sent an honourable officer of Her Britannic Majesty's Navy, Lieutenant Edward Francis Lodder, on a mission of peace. This officer is accompanied by two gentlemen, Mr. J. M. Turner, and Mr. J. R. Thomas, selected by the merchants of Lagos to represent them and to express their wishes.

These gentlemen will be ready to interpose their good offices in removing the causes of the present differences; and the Consul would earnestly advise Aré to listen to their friendly counsels, in order to reopen the roads of the country to trade and peaceful intercourse.

The Consul wishes Aré peace, health, and prosperity.

Aré, Chief of Ijaye.

G. BRAND.

No. 13.—Consul Brand to Lord J. Russell.—(Received June 11.)

MY LORD,

Lagos, May 8, 1860.

I HAD the honour to report, in my despatch of the 16th ultimo the departure of the deputation of merchants accompanied by Lieutenant Lodder, to endeavour to bring about a reconciliation between the contending parties now seriously disturbing the peace and commerce of the Yoruba country.

Lieutenant Lodder and Mr. Thomas returned on the 2nd instant. Mr. Turner has remained at Otta to endeavour to get some satisfaction respecting the case of the murder of a Sierra Leone man there, alluded to in Mr. Lodder's report, a copy of which is herewith inclosed, and to which I shall have occasion to refer in a future despatch.

In Mr. Lodder's report it will be seen that the Chiefs of Abbeokuta were opposed to giving any aid in bringing about peace; no general meeting was convened; they refused messengers, and it was hinted, that they intended not to allow the deputation to proceed any further. A messenger however was sent, though not officially, he not having the Alake's stick. It is believed that the 4 principal Chiefs of Abbeokuta are favourable to peace; but they are unable to resist the influence of the younger Chiefs and a large portion of the people, who are resolved to go to the assistance of the Aré of Ijaye.

Although no better success attended the visit to Ibaddan, Lieutenant Lodder speaks highly of the frank and cordial manner they were received by the elders, who listened attentively to the reading of my letter, assured them that they fully appreciated the good motives of the deputation; that they loved and respected the

English and were aware that the Egbas were coming out against them, but being engaged in war, they intended to await the issue. The deputation not being able to proceed to Ijaye, my letter to the Aré or Supreme Chief, has been brought back.

Lieutenant Lodder states what is reported as the origin of the war, namely, the departure from an ancient and barbarous custom on the occasion of the death of the late King of Oyo, who is the titular sovereign over the whole of the Yoruba country, and to whom both the Balle of Ibaddan and the Aré of Ijaye owe a nominal allegiance. The Ibaddans agreed that the barbarous custom in question should be departed from, the Aré objected, and hence the ill-feeling between the two tribes. Aré, who is a man of wonderful energy, but a sanguinary monster, has never acknowledged the present King of Oyo, and the original irritation existing on account of the different views of the tribes respecting the putting to death of the King's son, has been increased as alleged by numerous subsequent aggressions on the part of Aré, until these two leading members of the Yoruba family have been brought into the present state of war.

This unfortunate war, not only interrupts intercourse and trade, but also tends to revive the Slave Trade, as kidnapping parties, taking advantage of the unsettled state of the country, have gone and will go to seize captives, who will afterwards be disposed of to the slave dealers.

Although on the arrival of the deputation, the Chiefs excused themselves from assembling, yet on their return from Ibaddan they found that they were met together; their own interest and fears respecting the alliance believed to have been formed between Dahomey and Ibaddan for a combined attack upon Abbeokuta next dry season then being predominant.

I inclose the copy of a letter which I have received written for the Alake Chiefs and Ogboni (a secret society), by the Rev. Mr. Townsend, and to which as yet I have sent no reply. In this letter they state their view of the war, their reasons, for joining in it; and their excuse for giving so little assistance to the deputation; but it is evident, that their chief object in writing is to solicit aid in preparing for defending themselves against the King of Dahomey. It is clear the Abbeokutans are very alarmed at present.

The views expressed respecting Whydah and the necessity of diminishing the power of Dahomey, are similar to those I have myself laid before your Lordship.

With regard to what is said about the trade in arms and powder at Epe, I am informed, that it is chiefly from the factories in the Benin river, that the Ibaddans get their arms.

Although the deputation has failed in its immediate object, yet the general opinion seems to be, that it has done good; it has satisfied the people here, who would have been discontented had no effort been made, and probably after some fighting, or a decisive action, it may pave the way to a settlement of the present differences.

I beg to inclose an extract from a letter of the Rev. Mr. Townsend, and to add that Lieutenant Lodder proceeds to England by the packet *Cleopatra* on the 10th instant.

As that officer has served nearly 5 years on the West Coast of Africa, during two and a-half of which he has been in this Lagoon, and as he has been twice Acting Consul, and has just returned from his second visit to the Yoruba country, he is able to give your Lordship much valuable information. I have, &c.

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Lieutenant Lodder to Consul Brand.*

SIR,

Lagos, May 7, 1860.

HAVING received your despatches for the several Chiefs in the interior on the morning of the 13th of last month, I left in company with Messrs. Turner and J. R. Thomas, to carry out the mission we had undertaken, to the best of our abilities.

Arriving at Ota the same afternoon enabled me to have a meeting with the King and Chiefs with regard to the murder of the British subject. I could only succeed in getting a messenger sent with me to Abbeokuta to try and succeed in getting the Ota man who allowed the criminal to escape. On our arrival at Abbeokuta on the 16th, I found and also advised, that it would not be judicious to mention the Ota question. I sent to the Alake and Chiefs to inform them of having a despatch from you and wished for an interview as soon as possible. Being promised by the Alake, when I delivered your despatch, that the Chiefs would meet on the 18th, it was deemed advisable to see some of the principal Chiefs with a view to endeavour to point out our object to them, as the war party were getting numerous and caused great excitement in the town, about our going beyond Abbeokuta. On the 19th, having had no communication from the Alake, I went, accompanied by Messrs. Turner and Thomas, to his residence, when it was evident the inclination to assist us in our mission for peace was nothing, but on the contrary, the love of kidnapping being too great and the Chiefs not wishing to meet. I had to leave the following morning for Ibaddan, arriving at that place on the morning of the 22nd. We met with very little better success, the Balle being sick, could not be seen; the Chiefs all at the camp before Ijaye, so that we saw only some of the elders. I delivered your despatch; but nothing

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could be done without consulting the Chiefs at the camp. On the 24th, messengers returned from the camp; we were not allowed to proceed to Ijaye, or even to the camp. It was evident peace would not be made, being informed the Ibaddan people were fighting for their King, and if he recalled them they would return. I then proposed going to Oyo, but having to pass the Ijayes the Ibaddans objected.

The cause of the war appears to be on account of the late King of Oyo having treated the Balle of Ibaddan very kindly; so when the King died, it being the custom of the country for the eldest son to be put to death also, the Balle then said no, why not let the son reign, which made Aré a great enemy to the Balle, also to the King of Oyo. Then followed kidnapping between Ijaye and Oyo, which the Ibaddans did all in their power to prevent, and finding Aré only treated them with contempt and not respecting their King, they made war.

We left Ibaddan on the 26th, arriving at Abbeokuta the following day. On paying our respects to the Alake I was surprised to find the Chiefs and a considerable meeting, which was caused on account of their alarms that an alliance would be formed between the Dahomians and Ibaddans next year.

M. Thomas and myself left for this place on the 30th, arriving here on the 2nd of May.

In conclusion I must remark although our mission has failed with regard to making peace, yet I am of opinion it has done good, and will lead to the result of peace being made after the natives have tried their powers. Should the Government wish to protect Abbeokuta, they must undertake some steps against Dahomey.

I have, &c.

G. Brand, Esq.

EDWD. F. LODDER.

(Inclosure 2.)—*The Alake and Chiefs of Abbeokuta to Consul Brand.*
Abbeokuta, April 30, 1860.

THE Alake, the War Chiefs, and Ogbonis of Abbeokuta, desire to present their best respects to Her Britannic Majesty's Consul at Lagos.

They beg permission to represent to the Consul that the country has been brought into war and confusion. The advice given them to cultivate cotton and other productions of value has been very acceptable to them; they have used their best efforts to follow it, and found it to be to their advantage. The Dahomians, after finding they could not destroy this place by their own power, have sought the assistance and co-operation of Ibaddan and Oyo to effect it, and

they regard the war now existing to have resulted, at least in part, from it.

They desire to give their best thanks to the Consul for sending Lieutenant Lodder, and the merchants of Lagos for sending Messrs. Turner and Thomas as a deputation, with the view of obtaining a peaceful settlement of the war. They had previously attempted to effect this object, but their messages had been rejected with insult, which precluded their joining and assisting the deputation as they desired and would otherwise have done. They sincerely regret the deputation was not allowed to visit the Ibaddan camp, and that their efforts for the present have failed.

In connection with the constantly made attempts of the King of Dahomey to disturb the country they beg permission to remark, that the Slave Trade is stopped at Lagos; for this they desire to thank the British Government; but that the stoppage of the Slave Trade at the port of Lagos is only partial in its effects on the country, and fails in that measure of good desired; for slaves of every tribe here and of the interior are sold and shipped at Whydah. By this the King of Dahomey is enabled and also encouraged to disturb the peace of the country, and to hinder the advance of peaceful industry and commerce, by which also he is able to distribute large presents to the Chiefs of Oyo and Ibaddan and encourage them in their war purposes.

They beg, therefore, most respectfully to represent, that unless Whydah be destroyed and a severe and effectual blow thereby given to the Slave Trade there, peace cannot be insured in the country.

They are sorry to say that, impelled by a feeling that if Ijaye be destroyed by the united forces of Ibaddan and Oyo, they would be greatly imperilled in their own town, as well as by a sense of duty towards their ally, they are compelled to join in the war. They also desire to observe, that if the Slave Trade port at Whydah be destroyed, that the war now entered into will be checked.

They have also to beg your kind assistance in obtaining the aid of some officers, to teach their people the use of cannon for the defence of their town, as they expect the Dahomey King will try to attack Abbeokuta in the next dry season, when, if Ibaddan be successful, they may expect their combined forces will be brought against them.

They will also beg the Consul's attention to the trade in guns and powder at Epé, from whence they are conveyed into the interior through the Ijebu country, and to ask if any means can be used to stop it.

And the Alake, War Chiefs, and Ogbonis of Abbeokuta wish that much health and happiness may be bestowed upon Her Britannic Majesty's Consul.

Written for the Alake and Chiefs assembled, and as directed by them by me,

G. Brand, Esq.

H. TOWNSEND.

(Inclosure 8.)—*The Rev. H. Townsend to Consul Brand.*

(Extract.)

Ake, Abbeokuta, May 1, 1860.

I FORWARD to you a letter I wrote for the King and Chiefs. They thought it a matter of so much importance that they came, the Alake with them, to my house to have it written. The Alake never goes out of his house but on the most urgent business. The substance of it Lieutenant Lodder heard from them on Saturday last.

The deputation failed as regards the present settlement of the war; but I, for my part, regard it as a step towards the future settlement of it when they shall have become somewhat tired of fighting.

There has been a desperate battle, we hear, but there are rumours only as regards the result. It is said they killed their prisoners on both sides.

The people here declare their intention to go out and join Ijaye; but they are very slow in their movements. A vast change has taken place in this respect since I have known the town: the extension of commerce and farming have taken hold on the people, and they don't care to go and risk their lives in slave-catching. A few years ago the greater part of the people now engaged in the native canoe traffic to and from Lagos would have been off at the first breaking out of the war to join one party or the other without orders from their Chiefs.

G. Brand, Esq.

H. TOWNSEND.

No. 14.—Lord J. Russell to Consul Brand.

SIR,

Foreign Office, June 21, 1860.

WITH reference to your despatch of the 16th of April last, I have to acquaint you that I entirely approve the steps taken by you, and the letters which you addressed to the Chiefs of Abbeokuta, Ibaddan, and Ijaye, with the view to prevent hostilities and to bring about a settlement of the differences between the Chiefs of the Yoruba country.

I am, &c.

G. Brand, Esq.

J. RUSSELL.

No. 15.—Consul Brand to Lord J. Russell.—(Received July 11.)

MY LORD,

Lagos, May 14, 1860.

I HAVE the honour to inclose herewith the copy of a letter addressed to me by the Agent of the Church Missionary Society at

Badagry, relative to the barbarous custom of destroying people charged with the imaginary crime of witchcraft.

I immediately procured a trustworthy special messenger, to whom I delivered the letter, of which the inclosed is a copy, and he was about to depart when I received Mr. Pearse's second letter (copy subjoined), informing me that the two women had actually been executed under very revolting circumstances.

Mr. Pearse was here a few days after the event, and as he joined with me in thinking that the sending of my letter might deter the Chiefs from continuing the practice, and would at least be a protest against it, I added a postscript dated the 8th, and gave the letter to Mr. Pearse, to be by him communicated to the Chiefs.

I have alluded in my letter to pledges given by the Chief to my predecessor, because there seemed to be an opinion that some such pledges had been given. I can find no record, however, of these pledges, and the only stand I can take is on Article VII of the Treaty of the 18th March, 1852,* which I have invoked in my letter, although not without some doubt as to my right to do so.

It is clear that Article VII is not to be construed as interdicting the execution of criminals for capital offences; and the question which I am anxious to have solved is, whether witchcraft, which is held to be a heinous crime over an extended portion of Africa, and also in many other parts of the world, be, in view of the Badagry Treaty of 18th March, 1852, a crime, or whether its punishment is to be considered one of those ceremonies prohibited by that Treaty; and, consequently, whether I am authorized under Article VII to insist on the abolition of the barbarous custom in question.

I have, &c.

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Mr. Pearse to Consul Brand.*

DEAR SIR, *Church Mission House, Badagry, April 30, 1860.*

As the representative of the Church Missionary Society in this place, I feel it a duty incumbent on me to report to you an intended horrible sacrifice to be made within a few days hence by the people and Chiefs of Badagry.

On the evening of the 29th instant, the Rev. A. J. Maser being here, the news reached us that a poor, helpless and innocent woman was arrested, being falsely accused of witchcraft; that she has been kept in custody to be sacrificed to the fetish early this morning ere Mr. Maser left for Lagos. We called on the head fetish man and two of the Chiefs, thinking that by remonstrances we might be able to prevent this inhuman act.

Mr. Maser having left for Lagos at noon to-day I waited on the Chiefs again, to ascertain whether they have altered their barbarous

intention; but, to my utter amazement, I learnt that, not only are they fully determined on this matter, but another woman has been seized, being similarly suspected. The reply made to my earnest remonstrations amounts to a threatening against myself and the Mission cause in this place.

The murderous slaughter of persons so falsely accused is an old practice of this place, urged on and encouraged by gross superstition. For the want of a Consular interference innocent lives were consecutively and successfully destroyed from years immemorial, and the corpses most inhumanly dragged through the town, and at last thrown on scaffolds erected for the purpose about the town under the open sky, where they were mangled and preyed upon by the birds of the air.

On the reinstatement of this people the late Consul Campbell succeeded to prevent this heathenish and cruel practice; but the natives will now take advantage of his death to resume this heart-rending practice. To save these poor lives, and to abolish the continuance of this horrible crime, I humbly and most earnestly appeal to your Consular aid for immediate interference and protection.

I am, &c.

G. Brand, Esq.

SAML. PEARSE.

(Inclosure 2.)—Consul Brand to the Chiefs of Badagry.

Lagos, May 3, 1860.

THE Undersigned, Her Britannic Majesty's Consul, was under the necessity of writing to the Chiefs of Badagry some months ago relative to the nefarious crime of fire-raising.

The Consul has just learned with astonishment and horror that the Chiefs are about to put to death one if not two unfortunate women accused of an imaginary crime.

The Consul must remind the Chiefs that it was by the interposition of this Consulate that they obtained their present positions, the power and influence of which they have so grossly abused on many occasions. He also reminds them of the pledges given to his predecessor on the subject of the horrible custom now in question, and he finally reminds them of the engagement contained in Article VII of the Treaty signed at Badagry on the 18th March, 1852, by which it is declared that "no human being shall at any time be sacrificed within the territories on account of religious or other ceremonies."

The Consul seriously warns the Chiefs that, should they in violation of their engagements proceed to perpetrate the abominable crime which they now have in contemplation, he will bring this fresh instance of their bad faith to the knowledge of the British Government; and the Chiefs may rest well assured that, although their various acts of ingratitude and wilful violation of their engage-

ments may have hitherto passed unpunished, yet that not one of their acts has been forgotten.

The Chiefs of Badagry.

G. BRAND.

P.S. May 8.—Before sending this letter on, the Consul heard that the Chiefs had committed the barbarity referred to. The Consul still sends the letter because it expresses his views, and he will make the whole matter known to the British Government.

(Inclosure 3.)—*Mr. Pearse to Consul Brand.*

DEAR SIR,

Badagry, May 2, 1860.

I MUCH regret having to report soon after my letter of the 30th of April, that the two women were executed last night in spite of all we have said.

It is a spectacle of horror to all enlightened minds. Every fetish man and woman assumed the character of a fiend, the voice of fury against the two dead corpses, and of songs in praise of fetishes, was heard from all lips as they were dragging them from one fetish house to another, stamping upon them and beating them with clubs most inhumanly. The scaffold is being repaired to be the receptacle of the corpses, which are to be thrown to the mercy of the birds of prey.

I trust you will find so baneful a practice worth your interference.

With sincere respects, I am, &c.

G. Brand, Esq.

SAML. PEARSE.

No. 17.—Consul Brand to Lord J. Russell.—(Received July 11.)
 MY LORD, *Lagos, June 5, 1860.*

I HAVE the honour to inclose herewith the copy of my reply to the letter of the Alake, and Chiefs of Abbeokuta, a copy of which was transmitted in my despatch of the 8th ultimo.

Since then the fortune of war, so far as correct accounts can be gathered, seems to have been in favour of the people of Ijaye, to aid whom Egbas have taken the field.

The Christian element at Abbeokuta would appear to be favourable to the war, as I learn several separate companies of Native Christians, commanded by leaders, chosen by themselves, have gone out; and your Lordship will perceive by the two inclosed papers, the one a circular calling a meeting, the other an extract from a newspaper, published by the Church Missionary Society, stating what took place at that meeting, that the senior agent of that society has taken rather a prominent part as regards a proposal to

impose an arbitrary tax on the mercantile body expressly for war purposes.

I should state as regards Abbeokuta, that hitherto there has been no regular source of revenue for the benefit of the Chiefs. Each individual merchant has paid to them, or to some of them, such presents as have been demanded from time to time, and hence has followed the corrupt system which, to a considerable extent, prevails of individual merchants, obtaining special privileges by bribing individual Chiefs, and their adherents.

Any equitable and simple plan of taxation to be substituted for the system in question would unquestionably be a great improvement, and I was recently consulted on the subject, when it appeared that a tax of one per cent. on exports, of which, after paying the expenses of collection, the greater part should go to the Chiefs, a small portion only being retained for public improvements, might be adopted.

It was understood, that the portion passing should increase in proportion to the increase of trade, thus giving them an interest in the progressive industry of the country; and that they in return should grant protection to property, and the free right of transit both by land and by water.

The arbitrary impost for war purposes, said to have been as first proposed, 240 bags of cowries, and 40 cases of gin, would, I am persuaded, only be the beginning of a series of similar vexatious exactions, as, under some pretext or other, the Chiefs would be ever ready to get up some claim for aid.

As most of the mercantile men of Abbeokuta are merely agents of the very Lagos merchants who recently sent a deputation for pacific purposes, the proposal to subject them to a tax immediately after refusing to act upon their advice, seems peculiarly ill timed.

I believe the second meeting at the Ake school-room, announced for the 23rd ultimo, did not take place in consequence of heavy rains, which prevented the merchants from assembling, and no communication has been made to me on the subject.

I hear, that the proposal, in the form in which it was presented at first, has not been adopted, but that the merchants have agreed to pay to the Chiefs, 20 bags of cowries, to open the road and the river for 10 days.

I inclose a copy of a letter written by Mr. Townsend, at the request of the Alake and Elders, and in that letter allusion is made as to opening the road for commerce; but nothing is said, as its being only for the limited period of 10 days.

In my reply to Mr. Townsend, I have expressed my opinion as regards the possible results to which the present war may lead; results however, which I sincerely desire, may be averted.

I trust, I have not exceeded due bounds, nor misinterpreted the wishes of Her Majesty's Government as regards Abbeokuta, in what I have stated in the last paragraph of my letter.

I have, &c.

Lord J. Russell.

G. BRAND.

(Inclosure 1.)—*Consul Brand to the Alake and Chiefs of Abbeokuta.*

Lagos, May 12, 1860.

THE Undersigned, Her Britannic Majesty's Consul, presents his respects to the Alake and Chiefs of Abbeokuta; he has received their letters of the 30th of last month; he has seen their messengers, and has had delivered to him the sheep sent down as presents to himself, and to the British Commodore.

The Consul thanks the Alake for sending to Ota the Chief Oguula, who, after allowing the murderer of Thomas Williams to escape to Ado, had taken refuge in Abbeokuta. He also thanks the Alake for recovering and sending down the Lagos man, who had been made prisoner at Abbeokuta, and afterwards sold to Ibaddan. That man appears to have induced a woman of Abbeokuta to come here; but the Consul will cause this woman to be delivered over to the Alake's messengers to be conveyed back.

The Consul would be glad, were he able to continue to write in the language of commendation; but he cannot help expressing his regret, that so little disposition should have been shown at Abbeokuta to aid the deputation recently sent from Lagos on a mission of peace. It appears that although the Chiefs did not even think it worth the trouble to convene a meeting to receive that deputation, yet, on the return of the deputation from Ibaddan, the Chiefs found no difficulty in assembling when their own interests and their fears of the King of Dahomey occupied their minds. This remarkable proceeding on the part of the Chiefs has not passed unnoticed.

The Consul is also obliged with much regret to remark, that twice in the course of the past year messengers, on the service of the British Government, have been plundered at one of the gates of Abbeokuta; that 5 of these messengers have never since been heard of, and that although the Chiefs agreed to repay the amount of the losses sustained, no offer has since been made to do so. Surely the Chiefs of Abbeokuta do not think that the British Government can be insensible to such a want of gratitude, or to such insulting outrages.

As regards the trade in powder and arms at Epé, it would be difficult to prevent it without the dealers themselves consenting to abandon it for a time, and such a general consent among men influenced by personal interests, is not easily brought about. Besides, these arms are not supplied from Epé only, for the Consul is

well informed that there is a kind of musket much in favour with the Ibaddans, which they get from the Benin river, through the agency of intermediate tribes.

With regard to the further request, and suggestion relative to British officers, and to Whydah, the Consul can only say, that by the packet which left this place for England two days ago, he forwarded a copy of the letter of the Alake and Chiefs, of the 30th of last month, to Her Britannic Majesty's Government, from whom he feels sure it will receive that attention and consideration which the importance of the matters in question may seem to deserve.

The Consul having heard that kidnapping parties taking advantage of the unsettled state of the country, are making preparations at Abbeokuta to go out to seize slaves, he would earnestly warn the Alake and Chiefs against permitting such barbarous schemes being carried into execution.

Finally, the Consul wishes the Alake, his Chiefs and his people, health, and trusts that the wars and troubles which now unhappily afflict the Yoruba country, may soon be brought to an end.

The Alake and Chiefs of Abbeokuta.

G. BRAND.

(Inclosure 2.)—Circular.

SIR,

Ake, May 19, 1860.

I HAVE been requested by the Alake and Elders of Abbeokuta to communicate with the Foreign Commercial Gentlemen of Abbeokuta, respecting a contribution expected from them towards the war; I have therefore to beg your attendance at a meeting to be held at the Ake School Room, on Monday afternoon next at 4 o'clock, when I shall be happy to state fully the wishes of the Alake and Elders, as communicated to me.

I remain, &c.

H. TOWNSEND.

(Inclosure 3.)—Extract from the "Iwe Irhoi" (Abbeokuta Newspaper) of May, 1860.

A MEETING of the foreign merchants was held at the Ake School Room on Monday, the 21st instant, to receive an application from the Alake and Elders for a contribution towards the expense of the war. The subject was discussed with reference to the frequent demands made on individual merchants by individual Chiefs, which proved a great expense, as well as a constant source of annoyance, and the best means of obviating the difficulty. A former proposal to collect a duty on all export articles of 2½ per cent. was considered, as to whether the former plan could be adopted and at once acted upon,

of which to give the Chiefs a contribution for the war. It was resolved that another meeting be held on the 23rd instant at the same place, in order to produce the former plan and to address the British Consul on the subject.

(Inclosure 4.)—*The Rev. H. Townsend to Consul Brand.*

SIR, *Abbeokuta, May 29, 1860.*

I HAVE been requested by the Alake and Elders of Abbeokuta to write and represent on their behalf the following circumstances.

They beg me to state that the Chiefs of Ibaddan have of late sent their messages to Dahomey, to persuade the King of Dahomey to come and destroy Abbeokuta. The first of these three was sent at the time the Dahomey army was in the neighbourhood and destroyed Idanyi, and the last 11 days ago. Also, that about 20 persons belonging to the King of Dahomey have been at Oyo for some time past, for the purpose of conveying information in connection with Oyo and Ibaddan.

They beg me to represent that a league of some kind exists between the parties above indicated to effect the destruction of this place, and that the first of the above-named messages was sent prior to the breaking out of the present war; also, that although they thus make mention of 3 messages, yet they are by no means to be understood as implying that the intercourse between the above was confined to these; for a constant exchange of presents and messages have been going on for some years past, by which the Dahomians endeavoured to obtain the aid of Oyo and Ibaddan against Abbeokuta.

I am, therefore, requested to represent with much deference the need of cutting off the source of these intrigues by destroying Whydah, from whence they obtain the means of carrying on their objects. The Alake and his Chiefs have had the honour of writing to you in a letter dated April 30th on the subject, and they desire thankfully to acknowledge your reply. Their wishing to address you the second time on this subject is to show their sense of the importance of the object, and the need of its being speedily accomplished.

I am requested to state, that some persons of the Yoruba tribe from Sierra Leone are engaged in forwarding from Lagos, *via* Ikorodu, supplies of ammunition to Ibaddan.

They beg me also to state that, from various representations made to them by the foreign residents here of the injury done to their commerce by the stoppage of the road to Lagos, they have been induced to direct its being opened to their commerce.

The Alake and Elders desire to acknowledge with much thank-

fulness your kind attention to their letters, and beg to assure you of their desire to do what is right as far as ability is given them.

I remain, &c.

G. Brand, Esq.

H. TOWNSEND.

(Inclosure 5.)—*Consul Brand to the Rev. H. Townsend.*

SIR,

Lagos, June 5, 1860.

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, written, you acquaint me, at the request of the Alake and Elders of Abbeokuta.

The events which have occurred at Abbeokuta, according to the accounts I have received relative to the war since the return of the recent deputation, have made the want of success of that effort less matter of surprise than before, although as yet I can see no reason for withholding from the deputation and from my messenger the courtesy of a public reception by the Chiefs.

The grounds upon which the Egbas justify their participation in the war, namely, that by aiding Ijaye they are weakening both Ibaddan and Dahomey and thus indirectly strengthening themselves, admit of a wide and dangerous application; for, on the same grounds the Egbas, animated by an aggressive spirit, might attack and lay waste every town and village between Abbeokuta and Aboomey.

The desire of Her Majesty's Government has been, I apprehend, to see Abbeokuta prosperous as a peaceful State, not as an aggressive one.

The proposal of an arbitrary tax expressly for war purposes to be levied in many cases upon the agents of the very merchants who sent a deputation to endeavour to obtain conditions of peace caused me no small degree of surprise. I believe such an impost would prove the harbinger of future vexatious exactions.

I should, however, be glad to see a simple tax, based on equitable principles and applicable to all, by which the Chiefs would derive a revenue increasing in amount according to the progress of agriculture and commerce in return for protection rendered, established in the place of the irregular and objectionable system that has prevailed hitherto.

As regards the further complications arising out of the progress of the war to which you allude, these are only what I could have anticipated.

The object of the deputation and of my message was to keep the Egbas out of the strife, and to endeavour to effect a settlement between the two contending parties. This peaceful object failed. The Egbas joined the people of Ijaye; and it is not surprising such being the case, that the Ibaddans should seek to strengthen them-

selves by forming alliances in other quarters, and in the King of Dahomey they are likely to find an ally only too ready to join them.

Thus the war from being confined to two tribes may ere long, by alliances, embrace the whole of Yoruba, of which one-half may be found fighting against the other, whilst the common enemy, Dahomey, whom the Yoruba people united could easily subdue, comes in and gains a position and an influence to be speedily turned to his own account.

I have no doubt whatever as regards the intercourse which you say has been going on between Dahomey and other States for years, or as to the presents given and received. The system of giving and receiving presents in order to form or to strengthen alliances has prevailed in all ages and among States in very different degrees of civilization; and even the Chiefs of Abbeokuta themselves have been accused of accepting presents from the King of Dahomey.

I desire to thank the Chiefs for opening the road to commerce, a step by which they further the interests not only of the merchants but also that of their own country.

As regards the charge against Lagos people aiding the Ibaddans by way of Iccorodoo, if the Alake and Chiefs can give me any specific information enabling me to trace the charge, or to bring it home to individuals, I should be indeed obliged; but, as much needless irritation has been caused within the past year by vague charges unsupported by any evidence, I wish much, when such charges are made, that they should be supported by an amount of evidence, at least sufficient to form the groundwork of an investigation.

I shall transmit a copy of your letter to Lord John Russell by the next mail, and I may venture to add, that the people of Abbeokuta, may be assured that they will retain the sympathies of the British Government so long as their country, now the advanced post of Christian civilization in this portion of Central Africa, continues the abode of peaceful industry, where agriculture, commerce, and Christian education are fostered and encouraged; but that they are not to conclude that that sympathy and support which has hitherto been given to enable them to defend their own soil from assault will be continued should they become aggressors, invade the dominions of their neighbours, or engage in wars beyond their own territory.

I have, in conclusion, to ask you the favour to cause this letter to be read and explained to the Alake and Elders.

I have, &c.

The Rev. H. Townsend.

G. BRAND.

No. 18.—Lord J. Russell to Consul Brand.

SIR,

Foreign Office, July 23, 1860.

I HAVE received your despatch of the 5th ultimo, together with its inclosures, and I have in reply to acquaint you that I approve the communications addressed by you to the Alake and Chiefs of Abbeokuta, and to the Rev. Mr. Townsend, with reference to the war in the Yoruba country and other matters.

I am, &c.

G. Brand, Esq.

J. RUSSELL.

No. 19.—Lord J. Russell to Consul Brand.

SIR,

Foreign Office, July 23, 1860.

I HAVE received your despatch of the 14th of May last, together with its inclosures, and I have in reply to acquaint you that I entirely approve the communications which you addressed to the Chiefs of Badagry, with the view to prevent the execution of two unfortunate women accused of witchcraft.

You will continue to use your best exertions to put a stop to this barbarous custom of the Badagry people, of putting to death persons accused of the imaginary crime of witchcraft; and you will omit no opportunity of impressing upon the Chiefs the detestation with which their conduct in tolerating such proceedings has been viewed by Her Majesty's Government.

I am, &c.

G. Brand, Esq.

J. RUSSELL.

No. 20.—Acting Consul Hand to Lord J. Russell.—(Rec. Aug. 13.)

MY LORD,

Lagos, July 8, 1860.

WITH reference to the war in the interior, I have the honour to report, for your Lordship's information, that it is showing a very serious aspect.

I understand, from very good authority, that Dahomey has been making great preparations to attack the Egbas so soon as the dry season commences. I also hear that he has sent a message to the King of Oda, through Kosoko, begging him not to make peace, but to try and carry on the war until the dry season, and then he, Dahomey, will join them and all parties against Abbeokuta.

Thus I beg leave to state, my Lord, unless some immediate measures are taken there will be war and no trade for the next 8 years. Taking into consideration, my Lord, the immediate attention required in this most important cause, I have appointed a messenger to the King of Dahomey, who will start in a few days with a letter from me in reference to your despatch of May 23rd, 1860, to Mr. G. Brand.

There has been one great drawback to this war, and that is, guns, powder, and shot have been allowed to be taken in large

quantities to the Okorodu market, which is held every 5 days, and a great rendezvous for our enemies, the Ibaddans, to sell slaves taken in war, and in return purchase the above articles. I am also told by prisoners that have been taken to the Okorodu market for sale by the Ibaddans, that they have received large supplies of these articles from this source.

I have acquainted King Docemo of this, and it will be put a stop to by means of all canoes going to this Okorodu market being searched before leaving Lagos, and again on arriving at Okorodu, by two Sierra Leone emigrants with Consular staff, and two King's men with Docemo's staff.

I hope, my Lord, next mail to be able to give you a more full and better account with reference to this war.

I have, &c.

Lord J. Russell.

HENRY HAND.

No. 21.—*Acting Consul Hand to Lord J. Russell.*—(Rec. Oct. 12.)
MY LORD, *Lagos, August 13, 1860.*

I HAVE the honour to inform your Lordship that I have sent messengers and received answers from the Alake of Abbeokuta and the King of Jebu, copies of which I beg to inclose.

The war in the interior still continues, and I am of opinion the Ibaddans are trying to keep it unsettled until the dry season, when they hope the Dahomians will attack Abbeokuta.

The messenger I had proposed sending to the King of Dahomey having disappointed me, I intend communicating with Commander Raby, Royal Navy, senior officer of the Bight Division, to send a messenger from Whydah.

I beg to explain to your Lordship that my reason for communicating with the King of Jebu was to see on what side he intended to take with the war in the interior.

I have the honour to acquaint your Lordship that I sent Mr. John Richards, Second Master of Her Majesty's steam gunboat *Bruna*, under my command, to Abbeokuta, for the purpose of getting the roads opened to Lagos; a copy of his proceedings I have much pleasure in inclosing for your Lordship's information.

I have, &c.

Lord J. Russell.

HENRY HAND.

(Inclosure 1.)—*The Rev. H. Townsend to Acting Consul Hand.*
SIR, *Abbeokuta, July 9, 1860.*

I AM requested by the Alake and Chiefs of Abbeokuta to acknowledge the receipt of your letter of June 28th, and a copy of two despatches from the British Government, dated May 23rd.

The Alake and Chiefs desire me to express their sorrow at the death of G. Brand, Esq., Her British Majesty's Consul, of which they have heard, through private sources.

I am requested to express their deep sense of the obligations they are under to the British Government, for their efforts on their behalf to check the evil designs of the King of Dahomey. The King of Dahomey has promised the Ibaddans to attack Abbeokuta in the coming dry season.

I am requested to state that the Alake and Chiefs of Abbeokuta are fully sensible of the need of keeping the road open between this and Lagos, although their own laws and usages sometimes compel them to pursue another course. In the present instance, they have been obliged to resort to this measure by the merchants refusing to pay a duty. For a long period past the Alake and Chiefs have been expecting the mercantile body to make some arrangement with them for the payment of a duty, but it has been so often put off that they have been induced to stop the road in order to bring about this arrangement.

The Alake and Chiefs desire me to state that they trust you will see that the closing of the road has necessarily resulted from the conduct of the mercantile body, and that it is mainly in their hands to have it opened again.

They desire me to assure you of their own desire that the road should be opened.

I have, &c.

H. Hand, Esq.

H. TOWNSEND.

(Inclosure 2.)—*The King of Jebu to Acting Consul Hand.*

SIR,

July 19, 1860.

YOUR letters and messengers came to me by the bearer, which I am gratefully and thankfully and oblige. Concerning what you mention, I have already abolished that before your messengers came.

And his reply to the Queen is, that she must have to send plenty of to me such thing that are fancied in her own heart to my assistance and messengers, not rum or common cloth, but such things that are best, and I will send to her and her Consul what fits them: then we prove that we unite.

And that he begs the Queen, he hears that all the Yorubas and Egbas coming to their country; he sees none of his people, and if she will be pleased to proclaim through her territories if any Jebu intends to come let them come. The country is in union with England, and lawful trade of palm oil for British merchants, if there will be no guns and powder to support the Ibaddans' people the peace will be established.

I have, &c.

H. Hand, Esq.

AWIJELLA.

(Inclosure 3.)—*Mr. Richards to Acting Consul Hand.*

SIR,

Lagos, July 25, 1860.

I HAVE the honour to state that, in obedience to your orders, I proceeded for Abbeokuta on the 17th instant with your message to the Alake and Chiefs, and found on arriving there that they had already acceded to the wishes of the merchants in opening the river road; I therefore waited on His Majesty, and explaining my errand, congratulated him on having allowed the river to be opened, which he assured me was permanently so.

With reference to your inquiries of the Alake and Chiefs as to the best mode of establishing peace, I have the honour to state that they would hold out no hopes of any settlement at present; that their enemies, having destroyed the towns of Ido and Illugun, and, moreover, had entered into a league, with the King of Dahomey to attack Abbeokuta itself, were the aggressors, and that their honour and safety demanded that they should prosecute the war, an opinion in which the merchants of Abbeokuta concur, but they will be glad to confer at all times with the Consul about the war.

At a meeting of the merchants of that place, at which I was requested by them to attend, they stated that the stoppage of the road for such a length of time was owing principally to the town of Igbein, in Abbeokuta, in which reside the principal part of the Native Trading Company, and who are opposed to the residence of European merchants in Abbeokuta. That though the road was originally closed to keep the people from deserting from the camp to take up their trading occupations, yet after a time when the rest of the towns, 144 in number, were willing that it should be opened to foreigners, on their paying a certain duty, they opposed themselves; and they only consented when the Alake threw the whole responsibility of the proceeding on themselves. In order to do away with any just plea for again shutting the road, which they admit with the exception of Igbein is not done out of enmity to them, they have obtained a promise from the Alake to authorize the King of Lagos to seize all native trading canoes coming from Abbeokuta; by these means they anticipate they will secure the river road from further interruption. These, their views, they desired me to explain to you, trusting you will do what lies in your power to forward their interests.

With reference to your instructions as to obtaining information about the war, I have the honour to state that nothing has been heard of any further hostile engagements. On good authority I was informed that the people of Ijabbu, who were until lately neutral, have sent presents to the people of Abbeokuta, and it is thought there is a possibility of the Ibaddans accepting peace were a messenger sent.

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In conclusion, I have the honour to state that I left Abbeokuta yesterday and arrived here this day. I have, &c.

H. Hand, Esq. JOHN RICHARDS, *Acting Second Master.*

No. 22.—Acting Consul Hand to Lord J. Russell.—(Rec. Oct. 12.)
MY LORD, *Lagos, August 18, 1860.*

I HAVE the honour to report to your Lordship that the merchants residing at Abbeokuta have formed an Association amongst themselves for the purpose of paying a duty to the authorities.

I beg to inclose a copy of a letter, also a copy of the rules and regulations received from the secretary of the association, which I hope will meet with your Lordship's approval.

I have, &c.

Lord J. Russell.

HENRY HAND.

(Inclosure 1.)—The Secretary to the Abbeokutan Mercantile Association to Acting Consul Hand.

SIR, *Ake, Abbeokuta, August 2, 1860.*

HAVING been desired by the Abbeokutan Mercantile Association I take the liberty to acquaint you that, after a great deal of trouble, we have succeeded with the Alake and Chiefs to open the roads to Lagos, although greatly opposed by the Chiefs of Igbein, who used their best exertions to prevent us in our purpose.

Owing to ancient the river was given under their charge; and when the late Captain Forbes, Royal Navy, came here it was taken from them, because they had taken arms up against the British when they attacked Lagos in 1851, which was again restored to them. These Chiefs are friendly disposed to Kosoko and the King of Dahomey, and are constantly receiving presents from them.

You will perceive by the rules and regulations of this Association, a copy of which I beg to inclose for your information, that we have agreed to pay to the authorities 50 bags of cowries quarterly, which they accepted, and to meet this have undertaken to impose a duty of one per cent. on all produce exported from this place.

The Association will be obliged by your writing to the Alake and Chiefs, thanking them for the assistance rendered to open the roads when openly opposed by the Igbeins.

The Association beg to inform you that they have had an interview with the officer, Mr. John Richards, Royal Navy, you sent to open the roads, and have received your message requesting them to state the best method to be adopted to stay the present war. They would suggest that a messenger be sent to the Rev. Mr. Hinderer, to hear his opinion about the state of the war and

views in bringing it to a termination, and to acquaint the Chiefs through that gentlemen, that if they should insist upon carrying on the war any further the British Government will render every assistance to Abbeokuta, and try to enforce their desisting from a war which is fruitful to the utmost to the common interest of the Yoruba country.

The Association beg to tender you their best thanks for the active measures taken by you in soliciting the Alake and Chiefs to open the roads, not being aware of the success they had already met with before the arrival of your representative, Mr. John Richards, Royal Navy. They nevertheless thank you, as this shows to the Alake and Chiefs that they are not without protection.

I have, &c.

H. Hand, Esq.

J. C. DEWRING.

(Inclosure 2.)—*Rules of the Abbeokutan Mercantile Association.*

Ake, Abbeokuta, July 16, 1860.

At a meeting of the merchants of Abbeokuta held at the residence of Mr. H. Robbin, the following gentlemen were present: H. Robbin, S. Crowther, junior, J. G. Hughes, J. Crowther, C. W. Faulkner, J. Ribeiro, J. C. Dewring, C. M. Young, and N. G. Munday.

Moved and seconded that H. Robbin be the President, and J. C. Dewring be the Secretary of this meeting.

The desirableness of forming an association for the arrangement of the commercial affairs of the Oyibos residing in Abbeokuta for commercial purposes having been long felt, for the purpose of arranging for the payment of a regular tax to the Chief and its equal adjustment among the commercial community; for using means to keep open the roads to Lagos by water and land, and for preventing as far as possible any interference with the traffic carried on by Oyibos between this and Lagos; for obtaining help from the Chiefs in the collection of just debts, and for the detection and lawful punishment of robberies committed by canoemen or others; for the general settlement of all disputes that may arise between the Chiefs and the commercial body; and for making efforts to advance the general welfare and extension of legitimate trade in this country by just means.

It was therefore resolved that an Association be formed for the objects above stated, and designated the Commercial Association of Abbeokuta, and that all Oyibos engaged in trade, whether as principals or agents, be members of this Association whilst residing in Abbeokuta.

It was resolved that the Association have the following officers :

President, Secretary, and Treasurer, together with a sub-committee of 4 members.

It was resolved [that Mr. H. Robbin be the President, Mr. J. C. Dewring, Secretary, and Mr. S. Crowther, junior, Treasurer of the Association for the ensuing year.

It was resolved that an annual general meeting of the Association be held to receive a report from the sub-committee, audit accounts, and to elect a President, Secretary, and Treasurer, and sub-committee for the ensuing year.

It was resolved that Messrs. Ribeiro, Hughes, Macaulay, and J. Crowther be the members of the sub-committee, and the three officers be ex-officio members of the same.

It was resolved that a general duty, if needed, be called by requisition, signed by three members, addressed to the sub-committee through the Secretary, stating the object of such meeting, which meeting must be called by the sub-committee not earlier than 7 or later than 14 days after its receipt. That public notice of not less than 7 days be given by the sub-committee of the time, place, and object of such general meeting of the Association, to be issued by the committee immediately after its meeting.

It was resolved that a duty of one per cent. be levied on oils, shea butter, ivory, and cotton exported, and that a weekly return be sent to the Secretary every Monday afternoon.

The need of presenting a high moral standard to the natives having been considered, and the advantages that mankind have received from the observance of the Sabbath having been acknowledged, it was also resolved that this Association pledges itself to observe it by abstaining from all trade and ordinary trade labour, and to use their influence to induce others to do so likewise.

BRAZIL.

No. 29.—Mr. Christie to Lord J. Russell.—(Received May 4.)
 MY LORD, *Rio de Janeiro, April 7, 1860.*

WITH reference to your Lordship's despatch of the 11th of February, received by me on the 3rd instant, I hastened to communicate a copy to Senhor de Sinimbri, according to your Lordship's instruction, and I have to-day received from him verbally the answer of the Brazilian Government to your Lordship's proposal, that their Minister should attend a Conference in London to consider what measures can be taken to check the increase of the Slave Trade, and

finally provide for its total abolition. Senhor Sinimbri states, that the Brazilian Government would be greatly pleased to take part in such a Conference, and, if it were a question of aid given by the Brazilian Government to the Slave Trade would, without hesitation, accept the invitation. But they feel a reluctance to commit themselves to a course which might prejudice their good relations with the Governments of The United States and Spain. M. Moreira, therefore, will be instructed to endeavour to ascertain from the Spanish and United States Ministers in London, whether they are instructed to attend, and whether either the Spanish or United States Government would be likely to view the participation of the Brazilian Minister in the proposed Conference as an offence. If M. Moreira finds that neither Government is likely to resent his attendance, he will be instructed to attend. In the event of his finding a difficulty with either Government, he is instructed to communicate with your Lordship, and it will give pleasure to the Brazilian Government if the difficulty can be removed.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

No. 30.—Lord J. Russell to Mr. Christie.

SIR,

Foreign Office, May 8, 1860.

WITH reference to your despatch of the 7th ultimo, I have to instruct you to express to Senhor Sinimbri the thanks of Her Majesty's Government, for the good inclination evinced by his Excellency to accept, on the part of the Brazilian Government, the invitation of Her Majesty's Government, that the Brazilian Minister in London should take part in a Conference which it is proposed should be assembled to consider the measures that may be advisable for putting a stop to the Slave Trade. I am, &c.

W. D. Christie, Esq.

J. RUSSELL.

No. 32.—Mr. Christie to Lord J. Russell.—(Received July 4.)

MY LORD,

Rio de Janeiro, June 2, 1860.

IN your despatch of the 28th of October last, giving me general instructions on my appointment to be Her Majesty's Minister in Brazil, your Lordship instructed me to send a full report on the state of slavery in this country, and explain whether the number of slaves was increasing or diminishing, and whether in defiance of the existing laws any attempts have lately been made, or are likely to be made, to revive the foreign Slave Trade; and your Lordship also instructed me to report on the progress of experiments lately made in Brazil for finding a substitute for slave labour, and on any steps being taken either by the Government, or by private parties, to meet the requirements of labour by immigration.

I have endeavoured to obtain full and accurate information on these subjects, and immediately after my arrival here, I addressed a circular despatch to Her Majesty's Consuls in Brazil requesting them to supply me with information.

I have now received answers from all Her Majesty's Consuls, except the Consul at Pará, whose distance from Rio de Janeiro sufficiently explains the delay in his case. I propose in this despatch to confine myself to the question of cessation of Slave Trade, and the report yet to come from Pará is not likely to contradict or affect in any degree the conclusions from the other testimonies.

Mr. Vereker, Consul for the province of Rio Grande do Sul, writes, that "there does not appear to exist any present intention of renewing the Slave Trade in this district," that the proportion of slaves to free labourers is steadily diminishing at an annually increasing rate, that "the practical abolition of slavery in this district, should circumstances continue as at present, becomes merely a question of time, and with an augmenting abhorrence of slavery among the more intelligent inhabitants, it is to be presumed that slavery will not last for any very long time in the province."

Mr. Callander, Consul for the province of St. Catherine's says: "Since my arrival here in 1852, as far as I have been able to ascertain, no attempts have been made to land negroes from Africa in any part of this province, and no vessel has been fitted out for Slave Trade purposes. I believe I am justified in saying, that the foreign Slave Trade may be considered as having entirely ceased in this province, and it is to be presumed that no attempts are likely to be made to revive it, so long as the measures at present in force for its suppression are not relaxed."

Mr. Westwood, the Consul at Rio de Janeiro, says: "I am convinced that no slaves have for years past been introduced into this province direct from Africa, and I am of opinion that there is no present probability of the foreign Slave Trade being revived in this district."

Mr. Morgan, Consul for the province of Bahia, writes, "I feel great satisfaction in saying that the Slave Trade from the coast of Africa to this province now belongs to the history of the past, as its extinction has been complete; and it is a pleasing duty to be able to bear witness to the zeal and energy of the provincial authorities in the suppression of the Traffic ever since I have had the honour to hold Her Majesty's Commission at Bahia (since 1852). The suppression is so complete, that for more than two years not one single rumour has come to my knowledge, with the exception, perhaps, of certain reports, which from time to time have been manufactured at Rio de Janeiro, and when acted upon imme-

diately by the authorities of the province have all turned out to be false."

Mr. Cowper, the Consul at Pernambuco, whose district includes, besides the province of Pernambuco, Alagoas, Parahiba, Rio Grande do Norte and Ceará, writes, "African Slave Trade has ceased for many years within the district of my Consulate;" and he proceeds to say, that "since the authorities of the country took the matter earnestly into their own hands, no attempt has been made to introduce slaves but once, viz., at Serinhaem in 1855."

Mr. Wilson, Acting-Consul at Maranhão, has written to me, "I do not believe any attempts have been made within the district of this Consulate for a long time past to revive the foreign Slave Trade, nor do I think it probable that in defiance of the existing laws any such attempts will be made."

Such are the satisfactory testimonies received from 6 or 7 Consular districts, embracing the whole coast of this Empire, and I have no doubt that the information which is to come from the Consul at Pará, will be similar.

During the 6 months which have passed since I arrived in Brazil, I have not heard of one single case even of suspected intention of importing slaves, and during the whole of this time, with the exception of a visit of 10 days by the Admiral in Her Majesty's ship *Buzzard* to Rio, for a special purpose distinct from Slave Trade, the Admiral, with all the vessels of his squadron fit for active service has been away from Brazil, the *Madagascar*, our store and hospital ship, which is not in a condition to go to sea, remaining alone in the port of Rio. Senhor Sinimbri lately remarked to me emphatically, that the Slave Trade has so completely ceased in Brazil, that there are not only no cases, but even no suspicions, and I think the remark correct.

I have been unwilling to delay longer giving your Lordship the information which this despatch contains. I am awaiting further information on the other subjects connected with slavery on which your Lordship instructed me to report. I have, &c.

Lord J. Russell.

W. D. CHRISTIE,

No. 88.—*Mr. Christie to Lord J. Russell.*—(Received August 6.)
MY LORD, Rio de Janeiro, June 24, 1860.

I HAVE the honour to inclose a translation of a portion of the report of the Minister for Foreign Affairs, headed "Relations between Brazil and Great Britain—Slave Trade," mentioning the measures taken by the Government on two occasions during the last twelve-months, when there were some suspicions of attempts to import

slaves. Mr. Stuart reported these measures to your Lordship, acknowledging the zeal of the Brazilian Government.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

(Inclosure.)—*Extract from the Report of Senhor Sinimbri, dated the 15th of May, 1860.*

RELATIONS BETWEEN BRAZIL AND GREAT BRITAIN—SLAVE TRADE.—During the course of last year some reports were circulated, and the Imperial Government received information of projected disembarkations of slaves on divers points of the coast of the Empire of the appearance of a slave-vessel near the island of Itamaracá, to the north of Pernambuco, and of the capture of two others, said to be Brazilians, near the port of Bahia.

Although those reports and information might, in all probability, have been groundless, they were not withal disregarded by the Imperial Government and its delegates, who, without loss of time, ordered the necessary investigations to be set on foot, and sent divers steamers to scour the coast, not only at those parts which were pointed out for effecting the disembarkations, but likewise at others, there being a possibility of their attention having been called to one place in order that the slave-traders might with safety and in opposite places carry out their criminal intentions.]

From the minute investigations by the authorities on the coasts, and by the cruisers, it was proved that those reports and information were both groundless.

On the 13th October, 1859, late at night, a large launch manned by two white men and 3 Africans under 18 years of age, all of them speaking the Portuguese language, arrived at the beach of Itacotiara, in the parish of Itaipu, three and a-half leagues to the north of Niatheroy.

The chief of police of the province of Rio de Janeiro, as soon as that fact came to his knowledge, proceeded to that place, and there apprehended the said Africans and their conductors, Manoel Caetano dos Passos, a Portuguese and owner of the launch, and Manricio Thomas de Bittencourt, who figured as a sailor.

These individuals, on being interrogated, stated that on their voyage from Loanda to Benguella the launch was carried out to sea by a storm, and that they were forced to seek that beach after a voyage of 83 days.

Those men, who might be supposed to be worn out by fatigue and hunger, presented themselves in a florid and placid state, with clean clothes on, and the launch was broken up and disappeared almost as soon as they had landed.

The suspicion of a disembarkation of Africans having thus been

existed, the Imperial Government immediately took the most energetic measures by the means of the President of the province of Rio de Janeiro, in order to discover the truth.

As the fact of the arrival of the Portuguese brig *Julia* at the same time from Africa with a cargo of wax and other articles of legal trade might have some connection with the disembarkation in Itacotiara, the Imperial Government also ordered the chief of police of this city to proceed with the most severe and minute investigations of this affair.

Consequently searches were made in the counting-house of the consignee of the brig *Julia*, and on board that vessel; and, as the 3 negroes deposed in Nietheroy that they had come over in that brig, the respective captain and crew were detained until the truth of those depositions was ascertained.

The summary of the crime having been instituted against Manoel Caetano dos Passos and Manricio Thomas de Bittencourt as importers of the Africans seized on the beach of Itacotiara, a true bill was found against them by the chief of police of Rio de Janeiro.

The constant vigilance kept by the Imperial Government, and the laudable zeal with which its instructions are complied with by the authorities charged with the repression of the Slave Trade, are guarantees that if any attempt should be made to introduce slaves into the Empire it will be completely frustrated.

No. 39.—Mr. Christie to Lord J. Russell.—(Received October 3.)
 MR LORD, *Rio de Janeiro, August 27, 1860.*

IN some late discussions in the Senate on a project of law concerning nationality of children of foreigners born in Brazil, the opponents of which have accused the Government of being influenced in promoting it by pressure from the French Government, some allusions have been made to the measures taken by the Brazilian Government in 1851 for the suppression of the Slave Trade under pressure of the vigorous proceedings of British cruisers in Brazilian waters; and it is gratifying to see that Brazilian statesmen now avow, in public, without contradiction, that England had previously just cause of complaint of the non-fulfilment of Treaty obligations.

The Viscount Uruguay (Senhor Paulino de Souza, who was Minister for Foreign Affairs in 1851), supported the Nationality Bill, and observed, in reply to the taunts of fear of the French Government, that when in 1851 the Brazilian Government demanded of the Legislature the framing of measures to suppress the Slave Trade, they were reproached for acting under the pressure of a foreign Government, and his answer was that he asked for the

means of fulfilling a national engagement contracted more than 20 years before. "And the consequence has been," added the speaker, "that instead of despising us, foreign nations have given us esteem and honour."

Senhor Vasconcellos, a speaker against the Nationality Bill, took up Viscount Uruguay's reference to England and the Slave Trade, with the remark that no comparison was to be made between the present case and the former difficulties with England about the Slave Trade, because the complaints of England were just, and founded upon a Treaty.

No contradiction was offered to these remarks, and no further reference made to them.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

No. 41.—Mr. Christie to Lord J. Russell.—(Received October 24.)
MY LORD, *Rio de Janeiro, September 24, 1860.*

I HAVE the honour to inclose a translation of an excellent project of law, designed to mitigate some of the evils of slavery in Brazil, which was introduced during the last session by a Senator, Senhor Silveira da Motta, and which I regret to say has not been passed.

This project of law comprised 4 proposals:

1. To abolish public sales by auction of slaves.
2. To prohibit in the sale of slaves the separation of husband from wife, and of children under age from their parents.
3. In cases of decease of owners of slaves, where there are no heirs in direct line, either parents or children, and where creditors are otherwise fully secured, to authorize the manumission of slaves, if they can purchase their freedom at a price fixed by a magistrate.
4. To encourage the sale of slaves for agricultural employment in the country, by exempting sales for such purpose from the tax on sales; the object of these being to diminish the number of slaves in the cities, and to promote the employment of free men in domestic service.

The consideration of this Bill was long postponed by the Senate under the pressure of other business, and when at last it came on for discussion, all the clauses were rejected except the first, which prohibited public sales of slaves. The Bill having been thus mutilated was not proceeded with.

I have not failed to state to Senhor Sinimbri that Her Majesty's Government will learn with much regret the unfavourable reception given to this measure.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

(*Inclosure.*)—*Project of Law respecting the Sale, &c., of Slaves in Brazil.*

(Translation.) *Palace of the Senate, June 18, 1860.*

THE General Assembly decrees :

ART. I. All sales of slaves at auction by being publicly exposed are forbidden.

Commercial public sales of slaves are forbidden, under penalty of such sales being annulled, and of a fine of 100 to 300 milreis being imposed upon the auctioneer for every slave sold by him at auction.

Judicial public sales, by virtue of attachments for debt, or dividing between heirs, will be substituted by written proposals which the judges may receive during 30 days after the publication of edicts stating the names, ages, professions, and characteristics of the slaves who are to be sold.

At the end of 30 days from the official advertisement the judge may renew it for another term, publishing the offers tendered if insignificant, or if opposed by the heirs or creditors, who may petition for the adjudication of the slaves at higher prices.

II. In all sales of slaves, whether private or judicial, it is prohibited, under pain of nullity, to separate the husband from the wife, or the child from the father or mother, save and except those who may be 21 years old.

III. In those inventories in which neither ancestors nor descendants are concerned, provided creditors are secured by other property, the judge of the inventory may grant letters of freedom to the slaves therein mentioned, upon their producing the amounts of their judicial valuations.

IV. Slaves sold in the municipality of this capital to be employed on farms in the interior will be free from the tax on such sales.

The Government will establish, by a regulation, the practical means of rendering this provision effective, and may for that purpose impose fines to the extent of 500 milreis upon the sales of slaves who continue to remain in this municipality, and upon whom the tax has not been paid.

Sales effected of slaves to serve in this municipality are subject to the tax.

All provisions to the contrary are revoked.

SILVEIRA DA MOTTA.

No. 42.—*Mr. Christie to Lord J. Russell.*—(*Received October 24.*)

MY LORD, *Rio de Janeiro, September 24, 1860.*

In the years 1857, 1858, and 1859, there was much correspondence between your Lordship's two immediate predecessors and this

Legation on the subject of slaves held by English Mining Companies in Brazil, and among others by the Imperial Brazilian Mining Association.

It appears by this correspondence that the Directors of the Imperial Brazilian Company in London had contracted to sell all their slaves to a Brazilian merchant in Rio de Janeiro named Santos; and that, before their agent in Brazil received news of this contract, he had felt himself authorized to enter into a contract with a Company in Brazil for the sale to them of the slaves for a term of 20 years, with the condition that at the end of that term all who were then living should be free.

Among the slaves who were the subject of these two conflicting transactions were a number of children born since the passing of the Act 6 & 7 Vict., cap. 98, commonly called "Lord Brougham's Act," and the Earl of Clarendon and the Earl of Malmesbury instructed Mr. Scarlett and Mr. Stuart that under that Act the sale by British subjects of children born of slave parents since the 1st November, 1843, would be illegal, and would subject the sellers in England to a prosecution for felony. Mr. Stuart, in pursuance of instructions from the Earl of Malmesbury, addressed a circular despatch to Her Majesty's Consuls in Brazil informing them of the state of the law, and directing them to caution British subjects.

Senhor Santos has proceeded in the British Courts of Law against the Directors of the Imperial Brazilian Company to compel fulfilment of their contract. In July, 1859, judgment was given in this cause, Santos v. Illidge, in the Court of Common Pleas; and this judgment declared the sale of all the slaves, parents as well as children, without reference to any distinction raised by the 6 and 7 Vict., cap. 98, illegal and invalid, under the Act 5 Geo. IV, cap. 113. Senhor Santos appealed from this judgment; and in the "Times" of the 10th July, I have read a report of the judgment on appeal of the Exchequer Chamber, which reverses the judgment of the Common Pleas, and apparently declares the sale entirely valid, including even the children born since the passing of the Act 6 & 7 Vict., cap. 98. The report is short, and is not quite clear as to the point of these children; but I infer that the judgment confirms their sale.

I shall be glad to be instructed by your Lordship as to the bearing of this judgment of the Exchequer Chamber on the exposition of the law, previously made by the legal advisers of Her Majesty's Government, on which Mr. Stuart instructed Her Majesty's Consuls in Brazil. I wish especially to know whether this judgment imports that the English directors concurring in this sale, which appears to be pronounced valid because legal in Brazil, do not expose themselves to punishment under English law.

The slaves in question, including all the children, are about 400

in number; and they will, probably, now be transferred immediately to Senhor Santos, who, I understand, buys them on the speculation of selling them again separately, or in small parcels; and they will, probably, be dispersed, husbands separated from wives, and children from parents. Could the other arrangement made by the Company's agent in Brazil with a Brazilian Company have been carried out, all these slaves would have been kept together, and at the end of 20 years the survivors would have been free.

I do not suppose it possible that Her Majesty's Government can interfere directly to prevent the transfer of the slaves to Senhor Santos; but it is, perhaps, possible that something may be done indirectly.

The attention of the British and Foreign Anti-Slavery Society was directed to the English Mining Companies in Brazil in 1857; and it was that Society which called the Earl of Clarendon's attention to the subject (see *Slave Trade Correspondence*, Class B, presented in 1858, page 69).

It would be possible, if by the aid of that Society or of wealthy individuals interested in the abolition of slavery the money could be obtained, to purchase the freedom of the slaves and make arrangements for securing their services under contracts, which the Brazilian law would enforce, for a term of years sufficient to repay by their labour the purchase money of their freedom with interest.

Some such arrangement again might be willingly made by some of the English Companies lately formed for making railroads in Brazil, for instance the St. Paul's Company lately formed under the auspices, I believe, of Messrs. Rothschild. These slaves have for some time past been employed in road-making.

There are those in this country versed in such transactions, and the details for carrying out such an arrangement could easily be supplied, if the idea which I have suggested were entertained.

Another English Mining Company, the National Brazilian, possess about the same number of slaves, who, I am informed, are soon likely to be sold, like those of the Imperial Brazilian, as soon as some matters now in litigation among the shareholders are arranged.

In the case of the Imperial Brazilian Association, whose slaves, old and young, have been sold to Senhor Santos, there appears to be no doubt that on the formation of the Company in 1828, a resolution was passed by the proprietary declaring that every child born of its slaves should be free. This has been publicly stated, and has not been contradicted. It is probable that such a resolution was not legally binding, yet, if it be true that such a resolution was passed, the Company contracted a moral obligation towards their slaves, the disregard of which will probably be deemed highly censurable. I

am informed that the Directors have always shown a desire for the careful and humane treatment of their slaves. I understand that the late Captain Leicester Vernon was Chairman of the Company till his death.

I have before said that the report in the "Times" of the judgment of the Exchequer Chamber does not enable me to feel sure that I understand all its bearings; and I hope your Lordship will excuse my further suggesting that, though the judgment pronounces the sale valid in Brazil, where the transaction is legal, it may yet be open to any one to try the question as to whether the sale of the children born since the passing of the Act 6 & 7 Vict., cap. 98, by any British subject, is not punishable under that Act.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

No. 43.—Lord J. Russell to Mr. Christie.

SIR,

Foreign Office, October 31, 1860.

I HAVE received your despatch of the 24th ultimo, inclosing translation of a project of law lately introduced into the Brazilian Senate, with a view to the mitigation of some of the evils of slavery; and I have to express my regret that the law in question did not pass.

I am, &c.

W. D. Christie, Esq.

J. RUSSELL.

No. 44.—Mr. Christie to Lord J. Russell.—(Received November 24.)

MY LORD,

Rio de Janeiro, October 22, 1860.

WITH reference to my despatch of the 24th ultimo, on the subject of the sale of the slaves of the Imperial Brazilian Mining Company to a Brazilian named Santos, I have been informed that the slaves have been transferred to Senhor Santos, and that it is his intention not to re-sell them, but to employ them in two divisions at the mines of the St. John del Rey and National Brazilian Companies and to arrange to keep families together.

I have this information from the gentleman who has been employed by the directors of the Imperial Brazilian Company to make the transfer.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

No. 45.—Lord J. Russell to Mr. Christie.

(Extract.)

Foreign Office, December 8, 1860.

I HAVE received your despatch of the 24th of September last, on the subject of the sale to M. Santos of the slaves belonging to the Imperial Brazilian Mining Association.

Those despatches have been laid before the Law Officers of the Crown; and, in accordance with their opinion, I have now to inform

you that the English directors of the Company will expose themselves to punishment under the 5th Geo. IV, c. 113,* if they proceed to sell even the slaves that were in their possession at the time of the passing of the 6th and 7th Vict., c. 98† (24th August, 1843); and that if this position should be held to be open to doubt, yet, under the latter of these two statutes, the sale of the children born since the 24th August, 1843, will be an illegal act by a British subject, though effected in Brazil, and will subject him to the punishment imposed by the 5th Geo. IV, cap. 113.

With reference to slaves which came to the possession of the directors previous to the passing of the 6th and 7th Vict., c. 98, the question turns upon the construction to be put upon the 5th Geo. IV, c. 113, and is whether, under that Act, dealing in slaves by British subjects was forbidden, in places out of the dominions of the British Crown, as well as in places within those dominions? The Law Officers of the Crown are of opinion that it is forbidden, and for this conclusion they adopt the reasons stated in the judgment of the Court of Common Pleas in the case of *Santos v. Illidge*. It is true that this judgment of the Common Pleas, which is referred to above, has been overruled, on appeal, by a majority of Judges sitting in Error in the Exchequer Chamber; but as the judgment of the Common Pleas was the unanimous judgment of the whole Court, it is the fact that the opinions of a majority of the Judges who heard the case in the Common Pleas and in Error is greatly in favour of the opinion adopted by the Law Officers of the Crown.

With reference to the offspring of such slaves born since the 6th and 7th Vict., c. 98, came into operation, the dealing in them is expressly declared by that statute to be now within the earlier Act, 5th Geo. IV, c. 113; and the exception, provided for by the 6th section of the 6th and 7th Vict., c. 98, cannot apply, seeing that the slaves of this class were not in any sense "in the possession" of the directors "at the time of the passing of the Act."

I have accordingly to instruct you to warn the English Directors of the penal consequences which will be entailed should they carry out the contract into which they have entered with M. Santos.

W. D. Christie, Esq.

J. RUSSELL.

FRANCE.

'No. 56.—Lord J. Russell to Earl Cowley.

MY LORD,

Foreign Office, June 22, 1860.

I HAVE received your Excellency's despatch of the 18th instant, reporting that you have been apprized by M. Chasseloup Laubat,

* Vol. XI. Page 265.

† Vol. XXXI. Page 984.

that in consequence of the want of labourers in Réunion, the Government of the Emperor has been constrained again to permit the purchase of slaves on the east coast of Africa, to be introduced into that island as free labourers.

I have in reply to instruct your Excellency to express to the Imperial Government the regret and disappointment of Her Majesty's Government at the revival of a measure which Her Majesty's Government had hoped had been for ever abandoned on the eastern shores of Africa.

I am, &c.

Earl Cowley.

J. RUSSELL.

*No. 57.—Lord J. Russell to Earl Cowley.**

MY LORD,

Foreign Office, July 11, 1860.

I TRANSMIT to your Excellency herewith copies of a correspondence relating to the emigration of Chinese coolies, which has been presented to both Houses of Parliament, by command of Her Majesty, and I have to desire that you will call the attention of the French Government to these papers, as bearing upon the important question of the suppression of the Slave Trade, and the supply of labour to those parts of the world the climate of which is unsuited to white labour.

Great Britain has, for more than 50 years, made unremitting efforts to put down the Slave Trade, and Her Majesty's Government rejoice to think that those efforts have not been without their fruit.

The number of slaves exported from Africa has fallen from 185,000, the average number exported annually from 1835 to 1840, to 25,000 or 30,000 the number estimated to have been exported during the past year; and in proportion as the Slave Trade has diminished lawful commerce with Africa has increased, until the value of the exports from the West Coast of Africa now amounts to nearly 3,000,000*l.* sterling annually.

From the Bight of Benin alone, where, 20 years ago, not a single puncheon of palm-oil was exported, during the past year the exportation of oil was estimated at nearly 17,000 tons, and the value at between 700,000*l.* and 800,000*l.*; and this, it should be stated, owing to the disturbed state of the country caused by slave hunts, is a diminution as compared with the exports of the two previous years; and from Lagos, which, until the Slave Trade there was destroyed by the operations of the British squadron, was one of the greatest slave markets on the West Coast of Africa, the exportation during last year of palm-oil, ivory, and cotton amounted in value to about 220,000*l.*

* A similar despatch was addressed to Lord Lyons, Sir A. Magenis, and Mr. Edwardes.

In short, whenever the Slave Trade has been put down honest trade has sprung up, and Christianity and civilization and peace have begun to produce their natural effects; on the other hand, where the King of Dahomey and other Chiefs continue to gain an unrighteous profit by selling men, wars and misery and heathen darkness prevail.

But it is a lamentable fact that during the last two years the Slave Trade has again increased. At the present moment it is actively carried on for supplying slaves to the island of Cuba, and recent intelligence which has reached Her Majesty's Government proves that preparations are being made for prosecuting the trade on a most extensive scale by means of an association.

Under these circumstances, Her Majesty's Government appeal to the nations of Christendom to endeavour, in obedience to the dictates of humanity and religion, to efface by a final effort the stain which the Slave Trade inflicts on the Christian name.

Brazil has set a noble example of perseverance in the suppression of the Slave Trade, once so vigorously carried on to her shores; and what the Brazilian Government in the face of great difficulties has successfully accomplished may be equally accomplished elsewhere.

The island of Cuba is now almost the only place in the globe by which and for which the Slave Trade is maintained.

Her Majesty's Government have a Treaty with Spain of the year 1835, by which the Spanish Crown undertook to abolish the Slave Trade, and accepted a sum of 400,000*l.* to enable it the more easily to do so.

Her Majesty's Government are well aware that the price of sugar and the demand for labour afford the slave-trader profits which enable him to corrupt the authorities, whose duty it is to thwart and defeat his criminal enterprises.

It must be painful to the Spanish Government to find their good name stained, and their efforts to comply with the obligations of Treaties, and to put down this wicked traffic frustrated by worthless and unprincipled men who speculate in the lives and bodies of human beings.

It appears to Her Majesty's Government that some remedy for this state of things might be found in an improvement of the laws of The United States respecting the equipment of slave ships, in the increased employment of cruisers in the waters surrounding Cuba by Spain, Great Britain, and The United States, and in the enactment by Spain of a law enforcing the registration of slaves in Cuba, and inflicting severe penalties upon the proprietors of estates within which newly imported slaves are found.

But no doubt the difficulties of suppressing the Slave Trade
[1860-61. *LI.*]

arise mainly from the demand which exists in Cuba and similar countries for labourers suited to a hot climate, and if this demand could be lawfully supplied, the incentives to engage in an illegal traffic in African labourers would be greatly diminished, and the price of a slave might be enhanced far beyond that of a free labourer.

This supply, Her Majesty's Government confidently believe, may be obtained from China.

The state of society in that vast empire, where the population is superabundant, and at the same time civilized, where regular laws can be enforced, and the hiring of labourers for the purposes of emigration may be reduced to method; affords peculiar opportunities for organizing a system of emigration by which the wants of those countries which have heretofore looked to Africa for labourers may be fully supplied.

Great abuses have unfortunately prevailed in the Chinese ports where the emigration of coolies has been carried on.

Men have been kidnapped by unscrupulous agents employed by European contractors to collect coolies, and the scenes of oppression and misery which have taken place in the barracoons, where the coolies have been assembled, and on board the ships in which they have been conveyed across the sea, have borne only too close a resemblance to the corresponding circumstances, connected with the African Slave Trade.

If such abuses were suffered to continue unchecked, the exasperation created thereby amongst the Chinese population would seriously endanger the safety of the lives and property of the whole European community in China.

But happily it has been proved by recent experience at Canton that Chinese emigration may, under proper regulations and superintendence, be conducted in such a manner as to prevent the occurrence of the evils complained of.

The Chinese authorities who had hitherto been most averse to the emigration, have at Canton recognized the advantages which may be derived from it under a proper system, and I have to direct your particular attention to the proclamation of the Governor-General Laon on this subject, which you will find at p. 184 of the papers herewith sent.

Moreover, under the regulations which have been introduced by the agent in China of Her Majesty's Government, in conjunction with the Chinese and the allied authorities at Canton, it has been found practicable to induce whole families of Chinese to emigrate. A considerable number of such families have emigrated to Demerara, and there is every reason to hope that with time and care the prejudices which have hitherto prevented Chinese women from emigrating may be entirely overcome.

It is scarcely necessary to say anything as to the efficiency of the Chinese coolies as labourers, as that is admitted by all who have had experience of them; indeed, the impossibility of inducing the Chinese women to emigrate has been the only serious obstacle to Chinese colonization on an extensive scale.

These fair prospects will, however, be marred, if the various European and American Governments interested in Chinese emigration do not combine to enforce stringent regulations upon those who are engaged in conducting it; and Her Majesty's Government earnestly hope that the Government will take the necessary measures for this purpose.

By judiciously promoting the emigration from China, and at the same time vigorously repressing the infamous traffic in African slaves, the Christian Governments of Europe and America may confer benefits upon a large portion of the human race, the effects of which it would be difficult to exaggerate.

Her Majesty's Government therefore propose, with a view to the final extinction of Slave Trade,

1st. A systematic plan of cruising on the Coast of Cuba by the vessels of Great Britain, Spain, and The United States.

2nd. Laws of registration and inspection in the Island of Cuba, by which the employment of slaves, imported contrary to law, might be detected by Spanish authorities.

3rd. A plan of emigration from China, regulated by the agents of European nations in conjunction with the Chinese authorities.

Lastly. I have to call your attention to the following passage in the message of the President of The United States, of May.

"It is truly lamentable, that Great Britain and The United States should be obliged to expend such a vast amount of blood and treasure for the suppression of the African Slave Trade, and this, when the only portions of the civilized world where it is tolerated and encouraged, are the Spanish Islands of Cuba and Puerto Rico."

I have to instruct you to communicate to M. Thouvenel copies of this despatch and of the papers by which it is accompanied.

I am, &c.

Earl Cowley.

J. RUSSELL.

No. 58.—Earl Cowley to Lord J. Russell.—(Received August 11.)
 MY LORD, *Paris, August 10, 1860.*

ON my remarking to M. Thouvenel that he had returned no answer to a note which I had addressed to his Excellency after receiving your Lordship's despatch of the 11th ultimo, in which certain proposals were made with a view to the final extinction of the Slave Trade, his Excellency replied, that he had already replied

through M. de Persigny, affirmatively on the part of the French Government, but he had since heard that other Governments to whom the same proposals had been made (his Excellency named The United States and Spain) would not consent to them.

I have, &c.

Lord J. Russell.

COWLEY.

FRANCE (MARTINIQUE).

CONSULAR.

No. 60.—*Consul Lawless to Lord J. Russell.*—(Received May 28.)
 MY LORD, St. Pierre, May 13, 1860.

I HAVE the honour to inform your Lordship of the arrival at the port of Fort de France, in this island, of the French ship *Ville d'Aigues-Mortes*, with African immigrants from the West Coast of Africa, in fulfilment of the Regis contract.

The *Ville d'Aigues-Mortes*, which is a ship of 637 tons French measurement, sailed from Congo on the 4th of March last, after having received on board 640 persons, viz., 397 male adults of from 18 to 35 years, 210 female adults from 13 to 25, 30 non-adults from 10 to 14 years old, 9 children; and, after 40 days' passage, she reached this island on the 21st ultimo, and shortly afterwards landed her living freight as follows:—342 men, 189 women, 30 non-adults of both sexes, and 4 children.

It appears, therefore, that the deaths on board during that comparatively short period amounted to 81 souls, namely; 55 men, 21 women, 5 children, being a ratio of almost 8 per cent.

This heavy mortality was caused principally by typhus fever, which was said to be epidemic at Congo when the vessel sailed from that port, and by dysentery; there occurred 41 fatal cases of the former, and 10 of the latter malady.

The immigrants were in charge of a surgeon of the first class of the Imperial "Marine," or Navy, and the survivors look as if they had received proper care during the voyage; but there have been many cases of sickness among them, and 3 deaths since their arrival.

This class of immigrants is generally preferred by the planters of this colony; and the labourers by the *Ville d'Aigues-Mortes* were immediately taken up, while a considerable number of the coolie and China immigrants by the last vessels arrived from India and Hong Kong are still on the hands of the local Administration.

I have, &c.

Lord J. Russell.

WM. LAWLESS.

MUSCAT (ZANZIBAR).

CONSULAR.

No. 62.—Lieutenant-Colonel Rigby to Sir C. Wood.

(Extract.)

Zanzibar, May 1, 1860.

THERE is no direct trade between Great Britain and Zanzibar; but the chief part of the imports from India, Singapore, and Ham-
burgh, consist of articles of British manufacture. There are about
5,000 British Indian subjects residing in the Zanzibar dominions,
and nearly the whole of the foreign trade passes through their
hands. The ivory is consigned to them from the interior; the gum
copal is purchased from the diggers by Indian Banians residing on
the coast, and the entire cargoes of American and Ham-
burgh vessels are purchased by them. All the shopkeepers and artizans at
Zanzibar are natives of India; they have settlements at all the
towns on the East Coast of Africa as far south as Mozambique, at
the Comoro Isles, and on the West Coast of Madagascar. The
number of settlers from India has greatly increased during the last
few years, and they have obtained possession from the Arabs, by
purchase or mortgag^e, of a considerable number of landed estates
in Zanzibar.

The number of slaves imported into Zanzibar during the past
year amounts to 19,000. A tax of one dollar per head has hitherto
been levied upon all slaves landed, and this amount has recently been
doubled by the Sultan. Most of the slaves brought to Zanzibar
are young children, a better price being obtained for able-bodied
slaves at the Portuguese settlements in the Mozambique, where an
extensive Slave Trade is still carried on. The price of newly im-
ported slaves at Zanzibar is from 2*l.* to 7*l.* for adult males or
females, and 1*l.* 5*s.* to 2*l.* 10*s.* for a boy or girl. A great number
of those imported are afterwards secretly sold to Northern Arabs
and conveyed to Persia and Arabia, where they sell for £15 to £20.
The tribes dwelling near the sea coast, which formerly furnished
most of the slaves are now almost exhausted, only 4,000 slaves
having been brought during last year from the coast opposite
Zanzibar, and the remaining 15,000 from the neighbourhood of the
great Lake of Nyassa, about 40 days' journey inland south of
Keelwa, situated about 4° south of Zanzibar. This miserable traffic
is fast depopulating vast tracts of fertile country which might yield
great quantities of cotton and gums. The mortality of the slaves
after capture is very great, owing to starvation and neglect. The
Arab slave-dealers are vile unfeeling wretches, and have not the
slightest regard for the sufferings of these poor creatures.

During the past year, I have redeemed 3,562 slaves from slavery
to British subjects residing at Zanzibar, and have furnished each

individual with a certificate of freedom, signed and sealed by myself, and I trust that this will prevent any British subjects from purchasing slaves or aiding this detestable traffic in the Zanzibar dominions in future.

Sir C. Wood.

C. P. RIGBY.

NETHERLANDS.

No. 65.—Lord Napier to Lord J. Russell.—(Received May 11.)
(Extract.) *The Hague, May 9, 1860.*

THE Netherlands Government have redeemed the pledge given in the King's speech at the opening of the present States General, by introducing measures for the abolition of negro slavery in their American and West Indian colonies.

Three Bills have been sent in by Royal message to the Second Chamber for this salutary purpose, containing provisions adapted to the condition or necessities of the several settlements involved, yet having their main features in common.

As these documents are of considerable length, and are preceded by a full exposition framed by the Colonial Minister in the Dutch language, I have not thought it desirable at this stage to submit them to your Lordship *in extenso*. It will be my duty to do so when they have been subjected to discussion and modification, and have obtained the force of law.

I confine myself at present to a brief outline of the contemplated laws.

The first provides for the abolition of slavery in the colony of Surinam; the second abrogates the same institution in the islands of Curaçoa, Bonaire, Aruba, St. Eustatius and Saba; the third completes the work of emancipation in the Netherlands portion of St. Martin.

All three recognize the principle of indemnity to the slave proprietors, and impose upon the liberated negro, the obligation of self-supporting and profitable labour. The emancipation will be general and summary. It will take effect within 6 months after the promulgation of the new law in the several colonies.

The amount of compensation to be awarded is regulated first by the colony itself, for in some colonies the value of negro labour is higher than in others, and secondly in Surinam by the character of labour to which the slave is legally appropriated, for the sugar plantation slave is rated higher than the negro employed in domestic or miscellaneous work, while the latter is rated above the slave held upon coffee, cacao, and cotton plantations, or on woodlands.

The compensation is to be awarded at so much per head over all, without distinguishing the various categories of sex and age.

Of the sums prescribed, I am no competent judge. The estimate is higher in Surinam, than in the West Indian islands. The highest compensation to be awarded in Surinam for the most valuable class of field hands is 450 florins, or 38*l.* 9*s.* per head; the lowest in the islands is 200 florins, or 17*l.* 1*s.* 10*d.* The money is to be paid, one-third on the spot in local currency, and two-thirds by bills on the Colonial Department in the Netherlands payable 30 days after sight, except in the smaller islands, where the indemnity will be liquidated in specie.

The whole number of slaves to be emancipated and redeemed is estimated at 46,093, exclusive of the negroes on the Dutch portion of St. Martin, whose number is not specified.

The whole sum to be paid from the Treasury of the mother country for this object is 16,144,450 florins, or 1,379,867*l.* 10*s.* 5*d.*

In their new condition, the emancipated negroes will be recognized as freemen enjoying the benefits, and subject to the restrictions of the common laws of the colony they inhabit, save where they are specifically affected by regulations to be devised for their particular welfare, regulations which are to be framed by the local authorities, with the assent of the Home Government, which will be promulgated by Royal Authority, though communicated to the States General, and which will be temporary in their character.

The chief apprehension of the Netherlands Government, and one partly justified by experience elsewhere, is that the negro will abstain from regular labour and thus degrade himself, and impoverish the colony he inhabits. It is, therefore, stringently asserted in the laws referred to, that the free negroes will be made responsible for their own support, for the maintenance and education of their offspring, and for the sustenance of the widows, orphans, aged and sick of their class. Mendicity and vagrancy will be severely punished.

The emancipated negroes will be held to complete the work of the current year, on the plantations to which they belong, with reasonable wages.

The Government will take measures with the view of keeping the negroes on the grounds on which they are now settled, and binding them by temporary labour contracts to their previous masters. Where this is not practicable, they will be transported elsewhere and provided with employers, or put out to service of various kinds, still under the control and protection of the colonial authorities.

Where the negroes cannot be conveniently appropriated for plantation labour, or bound to individual service, they may be formed

into separate "corporations," at the discretion of the Colonial Government, and subject to its orders.

Finally, the emancipated negroes will be held liable to service for the public peace and defence, and for the construction of public works on the demands of the State, for competent remuneration.

Lord J. Russell.

NAPIER.

No. 66.—Lord Napier to Lord J. Russell.—(Received July 13.)
(Extract.) *The Hague, July 11, 1860.*

THE Bill for the abolition of Negro slavery in the West Indian colonies, has been unfavourably reported on by the sections of the Chamber, and the Chamber itself will probably not be better inclined to it.

Lord J. Russell.

NAPIER.

NETHERLANDS (SURINAM).

CONSULAR.

No. 68.—Consul Munro to Lord J. Russell.—(Received April 11.)
MY LORD, *Surinam, March 15, 1860.*

ON the 26th of February I had the honour of receiving your Lordship's despatch dated January 27, relative to the referring for the consideration of the Law Officers of the Crown my report of the 20th October last, regarding the circumstances under which Hugh Wright and certain other British subjects are slaveholders in Surinam, and in compliance with your Lordship's instructions, I have had published in the public newspapers of the colony a notification to the British residents in Surinam, that it is the determination of Her Majesty's Government to enforce the strict provisions of the law 6 & 7 Vict., cap. 98.

Since the publication of the above, an administrator for English property here wished to know if it were allowed by the law, for the purpose of manumitting slaves attached to an estate, to replace them by others, or to take others in exchange for that purpose, which in my estimation is forbidden as coming under the term of barter, and such I gave the party to understand.

I have, &c.

Lord J. Russell.

D. C. MUNRO.

No. 69.—Lord J. Russell to Consul Munro.

SIR, *Foreign Office, April 30, 1860.*

I HAVE received your despatch of the 15th ultimo, reporting that, in reply to a question put to you by the administrator of an

English property in Surinam, you had stated that you considered it illegal, and as coming under the term "barter," to manumit slaves with the view to purchase others, or to take others in exchange for them; and I have to acquaint you that, having referred your despatch for the consideration of the Law Officers, I am justified by their opinion in stating that you are borne out in the view taken by you of this matter.

I am, &c.

D. C. Munro, Esq.

J. RUSSELL.

No. 72.—Lord Wodehouse to Consul Munro.

SIR,

Foreign Office, October 23, 1860.

I AM directed by Lord John Russell to inform you that his Lordship has consulted the Lords Commissioners of Her Majesty's Treasury and the Law Officers of the Crown upon your despatch of the 16th February last, in which you report that Mrs. Charlotte Gray, a British subject resident in London, and the widow of Mr. Thomas Gray, has recently become the purchaser of an estate in Surinam, to which are attached 85 slaves.

I am now to state to you that Lord John Russell is of opinion that, in order to fix Mrs. Gray as the purchaser of the 85 slaves in question, it would be necessary to prove that Mr. H. J. Blanche, the actual purchaser, had the authority of Mrs. Gray to purchase, or direct or procure the purchase on her account, and that Mr. Fraser acted under such instructions in the orders he gave to Mr. Blanche. There seems to be no moral doubt of any of these facts; but in a criminal Court they could not be established without the direct testimony of Mr. Frazer, at least, and the evidence of Mr. Blanche would, if not absolutely necessary, be desirable. These persons would, under any circumstances, be unwilling witnesses; and as they reside out of Her Majesty's dominions there is no means of compelling their attendance to give evidence in this country.

Under existing circumstances, therefore, Lord John Russell is of opinion that no present steps can be taken to enforce the law against Mrs. Gray in connection with the purchase of the 85 slaves.

I am, &c.

D. C. Munro, Esq.

WODEHOUSE.

PORTUGAL.

No. 74.—Sir A. Magenis to Lord J. Russell.—(Received April 2.)

MY LORD,

Lisbon, March 24, 1860.

WITH reference to your Lordship's despatch of the 13th instant, received on the 22nd, I have the honour to inclose herewith copy of

the note which, in obedience to your Lordship's instructions I addressed to the Duke of Terceira, communicating to him copies of Admiral Grey's letter and its inclosure, and embodying the substance of the Cape Commissioner's despatches.

In thus carrying out your Lordship's instructions I have confined myself to stating the facts which have immediate reference to the Portuguese possessions. I have, &c.

Lord J. Russell.

ARTHUR C. MAGENIS.

(Inclosure.)—Sir A. Magenis to the Duke of Terceira.

M. LE MINISTRE,

Lisbon, March 28, 1860.

IN compliance with the instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to bring to your Excellency's notice facts contained in the reports of Her Majesty's Commissioners at the Cape of Good Hope, which, in the opinion of Her Majesty's Government, leave no room for doubting the fact that the Slave Trade has been extensively carried on from the Portuguese possessions, and that the Governor of Ibo, as well as the authorities on other parts of the coast, have connived at the traffic.

Her Majesty's Commissioners state in their report of January 16, 1860, that from Ibo alone it had been ascertained that before the month of August last 4 vessels had taken off full cargoes to Cuba, and that other vessels from the same quarter were expected, one of which had been taken before she had shipped her cargo. From Quillimane negroes were also exported, at the rate, it was said, of a cargo every month, for the supply of the French settlements.

In such transactions it is next to impossible to obtain direct evidence of the complicity of the Portuguese authorities; but it is difficult not to attach some credit to the report that the Governor of Ibo receives a fee of 10 dollars for each negro shipped from the district under his jurisdiction, which he shares with the other subordinate authorities, without whose knowledge and connivance it would seem impossible that the traffic could be carried on.

In the month of December last, a brig, with no other indication of nationality than a crew of 33 Spaniards was taken by Her Majesty's ship *Lyra*, off Ibo, and I inclose herewith a copy of the report of the Honourable Sir Frederick Grey, Commanding Her Majesty's naval forces at the Cape of Good Hope, to the Commissioners, and of an extract of the despatch of the Commander of the *Lyra* reporting that capture, which he believed to be the Belgian brig *Reubens*, of Antwerp.

Commander Oldfield states in his despatch, that the Portuguese Government of Ibo had even gone so far as to send the pilot to

move the said brig from the anchorage off Ibo to that off the north point of Matinio.

In bringing the above facts to your Excellency's notice, I am instructed to state that Her Majesty's Government feel assured that the Government of His Most Faithful Majesty will take immediate steps for the investigation of the circumstances reported by Admiral Grey and the Cape Commissioners, with a view to the removal and punishment of those officers who may be proved to have engaged in or to have connived at the traffic in slaves.

I avail, &c.

The Duke of Terceira.

- ARTHUR C. MAGENIS.

No. 77.—Sir A. Magenis to Lord J. Russell.—(Received May 11.)
 MY LORD, *Lisbon, May 4, 1860.*

WITH reference to my despatch of the 24th of March last, I have the honour to inclose, herewith, copy and translation of a note dated the 30th ultimo, which I have received from M. Casal Ribeiro, informing me that fresh instructions have been issued by the Minister of Marine to the Governor-General of the province of Mozambique, to make himself acquainted with certain Slave Trade transactions, said to have been carried out in various parts of the Eastern Coast of Africa, and to adopt the measures already suggested to him, and with which your Lordship was made acquainted by Mr. Howard's despatch of the 14th December last.

I have, &c.

Lord J. Russell.

ARTHUR C. MAGENIS.

(Inclosure.)—Senhor Ribeiro to Sir A. Magenis.
 (Translation.) *Palace, April 30, 1860.*

WITH reference to the note which you addressed to this department under date of 23rd March last, relative to certain Slave Trade transactions said to have been carried out in various parts of the Eastern Coast of Africa, I have the honour to acquaint you that the Minister of Marine, in a despatch of the 21st instant, informs me that on the same day fresh instructions were issued to the Governor-General of the province of Mozambique, in order to make himself acquainted with this affair, and to take the measures which have already been suggested to him, and of which you were informed under date of the 12th December last.

I renew, &c.

Sir A. Magenis.

JOSE MARIA DO CAZAL RIBEIRO.

No. 82.—*Sir A. Magenis to Lord J. Russell.*—(Rec. December 22.)

MY LORD,

Lisbon, December 15, 1860.

I HAVE the honour to acknowledge the receipt, on the 14th instant, by the steam-packet *Magdalena*, of your Lordship's despatch dated the 8th instant, and beg to inclose herewith copy of a note which, in obedience to the instructions contained therein, I yesterday addressed to M. d'Avila, remonstrating with the Portuguese Government on the continuation of the Slave Trade on the East Coast of Africa.

I have, &c.

Lord J. Russell.

ARTHUR C. MAGENIS.

(Inclosure.)—*Sir A. Magenis to Senhor d'Avila.*

M. LE MINISTRE,

Lisbon, December 14, 1860.

I HAVE the honour to transmit herewith to your Excellency an extract of a report from Captain Crawford of Her Majesty's ship *Sidon*, addressed to the Admiralty, relative to the Slave Trade carried on from the Portuguese possessions on the East Coast of Africa.

By the last mail from the Cape of Good Hope, Her Majesty's Government received intelligence of the capture of two slave-vessels in the Mozambique Channel, one of them with upwards of 700 slaves on board; and all the accounts received during the present year from sources that can be relied on, and totally unconnected with each other, tend to show that the Slave Trade has been carried on to a considerable extent from the Portuguese possessions in the Mozambique, and with the connivance of the Portuguese local authorities.

Her Majesty's Government fully believe that this traffic is carried on contrary to the wishes and in defiance of the strict orders of His Most Faithful Majesty's Government, but the fact that slaves are exported in considerable numbers from the Portuguese possessions in Mozambique, and with the connivance of the Portuguese local authorities, does not admit of doubt. I am therefore instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to express to your Excellency the deep regret of Her Majesty's Government at learning that a traffic which strikes at the root of all legitimate trade, and which impoverishes and ruins the country from whence the slaves are exported, should still be carried on from the Portuguese territories and connived at by Portuguese authorities.

Her Majesty's Government, therefore, sincerely trust that His Most Faithful Majesty's Government, with such facts before it, will not fail to take such steps as will effectually put an end to this nefarious traffic, so contrary at the same time to the true interests of their Colonial possessions.

I have, &c.

Senhor d'Avila.

ARTHUR C. MAGENIS.

SPAIN.

No. 87.—Sir A. Buchanan to Lord J. Russell.—(Received May 15.)
(Extract.) *Madrid, May 10, 1860.*

I UNDERSTAND from Señor Calderon Collantes that the answer of the Spanish Government to the proposal conveyed to them in your Lordship's despatch of the 11th February last, is now ready, and will probably be transmitted to M. Isturiz by the Spanish messenger who leaves Madrid for London this day.

His Excellency says that his answer will decline positively to discuss in Conference the complaints which Her Majesty's Government have from time to time made against the Spanish Government, as to the manner in which the stipulations of the Treaty between Great Britain and Spain for the suppression of the Slave Trade have been carried out, as that question in his opinion can only be treated with propriety between the two Governments; but Her Catholic Majesty's Government will, I understand, instruct M. Isturiz to receive, in common with his colleagues named in your Lordship's despatch, any suggestions which you may think fit to make of a general character, with a view to rendering more efficient the measures at present employed for the suppression of slave-trading. M. Calderon, however, thinks that this object would have been better, and more promptly attained, if your Lordship had communicated to the different Governments, previously to the proposed Conference, the nature of the proposals which you will have to submit to their Representatives when they meet in London.

Lord J. Russell.

A. BUCHANAN.

No. 88.—Lord J. Russell to Sir A. Buchanan.

SIR,

Foreign Office, May 17, 1860.

I TRANSMIT to you, herewith, a copy of a despatch from Mr. Skelton, Her Majesty's Judge in the Mixed Commission Court established at Sierra Leone under the provisions of the Treaty of June 1835, between this country and Spain for the suppression of the Slave Trade, inclosing copies of a correspondence which has passed between Mr. Skelton and his Spanish colleague, relative to a request on the part of the latter, that M. Alphonse Seignac Lesseps should be acknowledged as arbitrator on the part of Spain in the British and Spanish Mixed Commission Court, whenever the duties of Acting Judge may from any cause devolve upon M. Bermudez, the Spanish Arbitrator in that Court.

I inclose also a copy of a further despatch from Mr. Skelton, reporting the decease of his colleague, Colonel Carvalho, the Spanish Judge, and in communicating this melancholy intelligence to the

Spanish Government, you will at the same time state, that you will shortly receive instructions as to the question which has been raised with respect to the Spanish Arbitrator.

I am, &c.

Sir A. Buchanan.

J. RUSSELL.

No. 97.—*Mr. Edwardes to Lord J. Russell.*—(Received August 1.)
MY LORD, *San Ildefonso, July 20, 1860.*

I HAVE the honour to transmit to your Lordship, in translation, a Decree which has appeared in the official Gazette, regulating the introduction and discipline of Chinese labourers into the island of Cuba.

M. Calderon Collantes says, that this measure has been necessitated by the paucity of hands to cultivate the land; and he hopes Her Majesty's Government will see from this circumstance that the importation of slaves into that island has considerably diminished, and that the Spanish Government are using their best endeavours to put a stop to the nefarious traffic.

I have, &c.

Lord J. Russell.

B. EDWARDES.

(Inclosure.)—*Royal Decree.*

Ministry for War and the Colonies.

(Translation.)

Madrid, June 6, 1860.

WISHING to afford the agriculture of the island of Cuba the labourers necessary for preventing any decrease of prosperity, and considering that the introduction of Chinese labourers is a measure attended with less inconvenience than any of the attempts hitherto made in that province, in conformity with what is proposed by the Minister for War and the Colonies, and in agreement with the opinion of the Council of Ministers, and after hearing that of the Council of State, I give my approval to the following regulations for the introduction and discipline of the Chinese labourers in the said island.

Rules for the introduction of Chinese Labourers into the Island of Cuba.

CHAP. I.—*Respecting the introduction of the Labourers.*

ART. I. The introduction of Chinese labourers into the island of Cuba, is authorized in conformity with the orders of the present regulations.

II. Every importer of Chinese must have a consignee in the island of Cuba, who must be a known landed proprietor, either resident in the same, or a merchant established there. Societies with shares cannot hold this agency: those which by their statutes have the legal right of devoting themselves to this undertaking,

will be obliged, notwithstanding, to name a consignee with the above-mentioned qualities, even although the Havana may be the place of residence of the said companies.

III. The consignee mentioned in the preceding Articles, is directly responsible for any failure in carrying out the orders of the present regulation, as far as concerns the undertaking which he represents, but without affecting the responsibility belonging to the captain and officers of the ship.

IV. The authorized consignee in every Immigration Company must inform the Governor Captain-General of the island of Cuba, of the name, size, roll, and captain of every ship freighted for importation, and of the approximate number of Chinese which it is proposed to carry in her. The Governor Captain-General will immediately publish these declarations in the "Havana Gazette," and will communicate them by the first mail to my Government.

V. The intervention and authorization of the Spanish Consul in China, or of his agents or delegates according to the place of the contract or the embarkation, are requisites absolutely indispensable for enabling the Chinese to be received on the island of Cuba. The Consul and his agents are directly responsible for the said embarkations and contracts being arranged according to what is prescribed in these regulations.

VI. Every contract must contain the following particulars :

1stly. The age, sex, and place of origin of the Chinaman contracted for.

2ndly. The time that the contract has to last.

3rdly. The salary, and the kind, quantity, and quality of the nourishment and clothing he is to receive.

4thly. The obligation to give him medical assistance during illness.

5thly. Whether the salary ceases when the labourer falls ill from some cause, not emanating from his labour, or independent of the will of the master.

6thly. The number of hours during which the Chinaman engages to work every day, stating whether the master has the power of increasing them some days, provided he compensates for this increase by the analogous diminution on others.

7thly. The engagement of the hired labourer to indemnify the master for the hours of work lost through his own fault.

8thly. The engagement of the labourer himself to subject himself to the discipline of the estate, workshop, or establishment to which he is destined.

9thly. A clause drawn up in these terms, "I, N. N., agree to the stipulated salary, although I know, and am fully aware that that which the free day labourers and the slaves earn on the island of

Cuba is much larger, because I consider that this difference is compensated for by the other advantages which my master affords me, which are those that this contract provides."

10thly. The signatures of the Contracting Parties, or that of two witnesses in default of that of the labourer.

VII. It is an essential condition and must be an express clause in every contract with Chinese, besides those prescribed in the former Article, that the time of his engagement being completed, he cannot remain in the island of Cuba as a labourer without having made another contract of the same kind, as apprentice or workman under the responsibility of a master, or as being engaged in agriculture, or as a domestic servant guaranteed by his master, in every other case he will have to leave the island at his own expense, being obliged to do so 3 months after the termination of the contract.

VIII. Four copies shall be made of the contracts with the Chinese, and the Consular Interpreter shall make 3 copies in translation. The Consul or his agent shall legalize the 4 copies, he shall give one back to the representative of the company, and he shall transmit the 3 remaining, each with its respective translation, one to my Government, and two to the Governor Captain-General of the island of Cuba, who will keep one copy with its translation, and will give the other to the Chinaman, in order that he may keep it in his power as soon as his introduction has been declared legal.

IX. The person who transmits the Chinese must make a list in quadruple of those embarked on each ship, stating their sex, age, and other personal features, which he will sign and deliver to the Spanish Consul or his agent, who shall legalize the 4 copies, and will return one to the person that sent them, he will keep one, and will transmit the other two directly to my Government, and the Governor Captain-General of the island of Cuba respectively.

X. Should the labourers be minors, the importers will not be able to make contracts with them without the consent of the person on whom they depend.

XI. The importers of labourers will not embark on each ship more than one person for every two tons, it being understood that this space or room must be calculated on the whole space that remains for lodging after the stowal of the cargo.

XII. The importers will also be bound:

1stly. To provide the ships with an amount of water and healthy food, proportioned to the number of persons they carry, and the distance they have to travel over.

2ndly. To adopt the necessary precautions in order to preserve in the said ships the cleanliness and ventilation indispensable for the health of the passengers.

3rdly. To take a physician and medicine chest on board, when the number of persons embarked exceeds 40.

4thly. To subject themselves on their arrival at any port in the island to the sanitary and police regulations in force there.

XIII. In order to insure the observation of this rule, the labourers cannot be introduced at any port but that of the Havana, except in case of shipwreck or any inevitable accident which may render their arrival and landing at another port imperative.

XIV. The Spanish Consul in China will give my Government and the Governor Captain-General of the island of Cuba detailed information directly and by the shortest route of every ship which, with this destination, leaves those ports carrying Chinese.

XV. Within 24 hours after the anchoring of every ship importing Chinese, her agent will make or will be forced to make a deposit in the Spanish bank in the Havana of 50 dollars for every one of the Chinese embarked, without prejudice to what is established in Article III as a general rule. In default of the Company, that sum remains directly and specially destined to the speedy carrying out of the sanitary measures which the state of the Chinese may require; to their immediate and suitable accommodation and assistance in the case of the company not affording them these; to the pecuniary reparations which may be due to the Chinese for acts that may have happened during the embarkation, or the passage, or at their arrival, and after covering these expenses, to the payment of the fines incurred by the company.

This deposit, or the remainder of it, shall be returned to the company as soon as these preceding responsibilities have been declared wholly or partially satisfied.

XVI. When, from the first examination of the ship's papers, it results that the mortality of the Chinese during the passage has exceeded 6 per cent. a special inquiry shall be instituted as to the reason, and, according to the result of this inquiry, the Governor Captain-General shall impose a corresponding fine, after having heard the Higher Board of Health and that of Public Works, or he will pass it on to the tribunals in order to bring on a trial, if he prosecutes.

XVII. Within 24 hours after the arrival of a ship, or on admission to free pratique, the consignee shall present a list of the labourers on board, mentioning those who may have died during the passage, and the causes which led to their death. The Governor Captain-General, in view of the document presented, and after making the inquiries he may think necessary for avoiding all fraud, will allow the landing to take place.

XVIII. Two months after the termination of the contract, the Chinaman must either renew it, taking service as an apprentice or
[1860-61. LI.]

workman of some known master, or being employed in agriculture, or as a servant, or he must have left the island as is prescribed by Article VII, and so successively in proportion as they fulfil their engagements, in case of his not doing this he will be employed as a workman on public works, but only for such time that, after covering his personal expenses, enough may remain over to place him on board ship, with the destination of his own choice, or in failure of that, one chosen by the Governor Captain-General.

XIX. The repetition of serious abuses on the part of the company, or the manifest insolvency of the consignee, or of his representative, will cause the loss of the authorization to continue carrying on this traffic. In the case of insolvency, the Governor Captain-General will direct the company to name another acceptable consignee within the term of two months, and if this is not effected, the notices of freights made by the same will be rejected, and the shipments which arrive will be considered as sent without the formalities required by these regulations.

XX. In the fault of a consignment or of a previous declaration of the freight of a ship, and the probable number of Chinese which it is intended to embark in her, the non-intervention of the Spanish Consul or his agents in the contract and embarkation of the Chinese, and in the fitting out of the ship, and the sentence of the tribunals in serious cases which demand the formalities of a trial, will bring about the loss of all the rights of the company over the Chinese.

XXI. In the case of the previous Article, the Governor Captain-General will dispose of the landing and lodging of the Chinese at the expense of the consignee, and will leave them at liberty to make contracts as artisans, labourers, or servants, adopting those measures which will most effectually protect them against the disadvantages of their position.

XXII. If, at the expiration of two months after the landing, the Chinese shall not have succeeded in obtaining the situations of which the previous Article treats, or shall have at any time manifested the wish not to hire themselves out in the island, the Governor Captain-General shall extract from the company the sum necessary for the re-exportation of all of them, and shall dispose of it freely with the greatest possible guarantees, consulting the wishes of the Chinese as far as he is able.

XXIII. The introducers of Chinese labourers will be able to give them up to other speculators, or to proprietors and private people, with the conditions they think advisable, provided the latter bind themselves to fulfil the contracts entered into with the said labourers, and subject themselves to the prescriptions of these regulations.

Those who give up the Chinese will have a similar power under

the same conditions. Any cessions which may be made, changing the conditions of the primitive contracts, will be invalid.

XXIV. As well as those who import, as those who make over, will inform the Governor Captain-General of the number of labourers they receive or make over within the 24 hours following the conclusion of the contract, stating their number, sex, and age, the name of the ship in which they arrived, and the spot where they are going to reside.

XXV. Note will be taken in the books kept in the political office of the cessions which are made of Chinese labourers.

XXVI. The residence of the labourers cannot be changed from one spot in the island to another without previously informing the Government.

XXVII. The ships arriving with Chinese women on board will be exempt from the payment of tonnage dues for the space which these may occupy.

XXVIII. The company or its consignee, when failing in the fulfilment of the orders of these regulations, which are not comprised in the foregoing rules, will be punished by the Governor Captain-General, attention being paid to the royal agreement, by fines of 1,000 to 5,000 dollars, and if they do not pay attention to the security and good treatment of the Chinese, by fines of from 2,000 to 10,000 dollars in this latter case.

XXIX. The fines of which the foregoing Article treats, and the resolutions which the Governor Captain-General may adopt by applying these regulations to individual cases can be appealed against legally before my Government.

XXX. Without affecting the cases stated in these regulations and in all those in which the Governor Captain-General imposes the fines established, this authority will forward the proceeding to my fiscal in that tribunal, in order that if he thinks it his duty, he may give the necessary instructions to the Promoter Fiscal, in order that he may demand, in the name of the Chinese, for bringing on the actions against the undertaking.

CHAP. II.—*Of the obligations and rights which the Workmen and their Masters owe each other reciprocally.*

XXXI. The Governor Captain-General of Cuba shall be the natural protector of the Chinese workmen, and shall perform this charge in the districts by means of his delegates, the Governors or Lieutenant-Governors respectively, who in their turn shall be assisted, without the necessity of a previous demand by the chiefs of districts. These functionaries shall in all cases act under the orders and guidance of the Governors or Lieutenant-Governors.

XXXII. In default of their masters, the labourers shall be defended in their law affairs in the first instance by the "Promotores Fiscales" of the principal municipalities, and in the second by the Fiscal of my Royal Pretorial Court.

XXXIII. The protectors named shall see that the labourers are well treated, and that the contracts are fulfilled; they shall propose to the native protector the means they may think necessary for their happiness and prosperity, and shall solve at once, and without judicial forms, the questions which may arise between the labourers and their masters. If these questions should involve any point of right, the protector shall solve them by a verbal judgment, hearing both parties *in voce*, and with the advice of an assessor.

If the affair was of more importance, it should be decided by the proper persons in conformity with the laws, and according to the precedents established in similar matters.

XXXIV. It is understood that on signing and accepting their contracts, the labourers renounce the exercise of all civil rights which may be incompatible with the fulfilment of the obligations that they have contracted, except it is question of some right expressly mentioned in these regulations.

XXXV. The labourers may marry with the consent of their employers.

If an adult labourer intends to marry, and his master should refuse, he may liberate himself from his rule under the conditions prescribed by Article XLII, or look out for another master, who will hire him on the same terms.

XXXVI. The workmen shall exercise all the authority over their children they would in their native land, and marital authority over their wives, as far as one and the other are compatible, with the legal condition of the said children and wives.

XXXVII. The children of the labourers shall follow the condition of their mothers as long as the contract of the latter shall last, if they are born during its accomplishment, but at 18 years of age, they shall be perfectly free, even if their mother's contract continues.

The children under age which the women may have at the time of hiring themselves shall follow the conditions, which the mother may have stipulated for. If nothing should have been stipulated, they shall be perfectly free; but they shall have a right to be fed, housed, and clothed by the masters of the mothers, under the conditions established for the latter, until they have accomplished their 12th year.

XXXVIII. The same right shall be enjoyed by the children of the workmen, under the orders of the masters of their mothers, as long as they follow the condition of the latter; but with the obli-

gation to perform such services for the masters as their age will admit of.

XXXIX. The married labourers cannot be ceded to any person who does not take both parties, as also any children which they may have under 12 years of age. The masters also cannot oblige the husbands to live constantly separated from the wives, nor the latter from the children under 12 years of age.

XL. The labourers can acquire property, and dispose of that which they possess by onerous or lucrative right, with the understanding that the contracts which they may make, shall not involve any expressed or tacit condition, the accomplishment of which shall be incompatible with the conditions of their contract with their masters.

LXI. The labourers represented as stated in Article **XXXII**, can appear in justice against their masters, and against strangers, represented by their masters, if the latter choose to take their defence upon themselves.

When the master shall decline this charge, or when in a law-suit with a third, he should have interests opposed to those of his labourer, the latter must also be represented, in the first instance by the Promoter Fiscal of the principal municipality, and in the second by the Fiscal of my Royal Court.

XLII. Labourers who shall have made contracts when under 21 years of age, shall have a right to annul them when 25 years old.

Those who shall have made contracts being upwards of 25 years old, shall have an equal right after the 6 years of contract.

The masters shall also have the power of annulling them at the same periods as the labourers.

In no case can the labourer make use of the right granted him by this Article, until after having indemnified his master by his labour, or otherwise for what he owed him.

LXIII. The labourer can at any time ransom himself from the authority of his master, by paying him in cash :

1stly. The amount he shall have paid for hiring him.

2ndly. The sum the labourer himself may owe him for work, or for any other reason.

3rdly. The greater value the services of the labourer may be estimated at by experienced men, since his being in the hands of the master.

4thly. The amount of damages the master may suffer owing to the difficulty of replacing the labourer by another.

The labourer cannot make use of this right, in the time of "Zafra," or other peremptory work permitted on feast days.

XLIV. When a master shall have treated his labourer with

severity, or shall have been wanting in the obligations contracted with him, the labourer can complain to the delegated protector, and the latter can annul the contract, if on hearing both parties he is convinced of the justice of the complaint. The revision in this case shall be granted without the master being indemnified for what he may have paid for the hiring of the labourer, and without hinderance to the civil or criminal action which may be brought by one or the other party.

XLV. During the days and hours of rest, the labourers may work on their own account in the establishment or country-house where they reside, and if they wished to work out of them, they must previously obtain the permission of the master.

On the same days and hours they may also enjoy honest amusements, which do not interfere with the discipline of the establishment or farm.

XLVI. The labourers shall dispose freely of the produce of their property, and of their labour on the days and hours of rest, but they can establish no retail traffic without the permission of the master.

XLVII. Whenever the labourer wishes to dispose of his own goods, furniture, or movable property, he shall inform his master of it, and he shall give him the preference over any other purchaser.

XLVIII. When the master shall have granted any piece of ground to his labourer, for him to cultivate during the days and hours of rest, the latter shall acquire all the produce of it, unless his master shall have agreed otherwise with him.

XLIX. The labourers cannot go out of the farm or establishment in which they serve, without a written permission from the master or his delegate.

Those found without this document shall be apprehended by the authorities, and reconducted at the master's expense to the place from which they came.

L. When it shall have been agreed on in the contracts, to give the labourers any particular kind of food, or clothes of any particular form or quality, and circumstances shall have arisen to prevent the master providing himself with one or the other; the kind, quality, or form of either may be altered, but not the quantity.

If the labourers do not agree to this alteration, they shall address themselves to their protector, who shall decide on the complaint, conciliating as much as possible the interests of the two parties, but in all cases forming a resolution, which shall satisfy the essential rights of the labourers.

LI. In whatever terms medical assistance may have been stipulated for, in favour of the labourers, the said assistance shall

comprise, not only the attendance of the doctor, but also the medicines and food prescribed by the latter during the illness and convalescence of the labourers.

LII. The labourers shall work for their masters, on working days, the number of hours agreed in the contracts.

By working days it is understood for the performance of this Article, all those on which the precepts of the Church do not prohibit working, and which notwithstanding the feast celebrated on them, are expressly authorized as working days by the ecclesiastical authority.

LIII. In no case, and notwithstanding any stipulation to the contrary, can the masters exact more than at the rate of 12 hours daily work from their labourers.

LIV. When the right of the master to distribute the number of hours agreed upon with the labourer, in the best manner for his interests, shall have been stated in the contract according to what is stated in No. 6 of Article VI, it shall be understood that the said right is limited, so that the labourer can never be obliged to work more than 15 hours in one day, and that he shall have at least 6 consecutive hours of rest either by night or day.

If the said right should not have been stipulated for in the contract, the master shall not be able to exact more hours of work daily than those agreed upon.

LV. The labourer shall perform for his master all the lawful services which he may require, unless it should have been agreed upon in the contract, what services he was to perform, to the exclusion of all others.

In this case the labourer can refuse to do other service, than that agreed upon.

A master can also let out the services of the labourers to a third person, whenever the said labourers are of the number of those stipulated in the contract, or when no clause of the said contract opposes it.

LVI. When the labourer shall be unwell or convalescent, he shall not be obliged to work, until the doctor states that he can return to his duty, without endangering his health.

LVII. The masters shall pay the stipulated salary to their labourers, in the form and under the conditions of the contract.

LVIII. The labourers shall receive their full salary while sick or convalescent from maladies contracted in consequence of, or by any cause dependent on, the will of the master.

If the malady proceeded from other causes, the workman shall not have such a right, if he shall not have stipulated for it in the contract.

LIX. The labourer, who according to his contract is to draw a

salary during his maladies, proceeding from any causes, shall not be able to exact it however when the malady is occasioned by his own acts executed with malice.

LX. For the performance of what is stated in the two preceding Articles, and in Article LI, the maladies of the workmen shall be examined by the professional men of the farm or establishment in which they work, and in default by two doctors named by the master. If the labourer does not agree with their opinion, he can address himself to the delegated protector, in order that by his instructions he may be re-examined by two doctors, one named by the labourer and the other by the master, to whose decision both parties must submit, without further appeal. If the doctors named by the master and the workman disagree between themselves, a third shall be named by the delegated protector, whose opinion shall be decisive.

LXI. The labourers shall indemnify their masters for the days and hours which they may have lost by their own fault by prolonging their contract the necessary time.

The workman shall enjoy no salary for the days lost through his fault, except the contrary should have been expressly stipulated in the contract.

What is stated in this Article, shall be in force without being an obstacle to the other punishments, which the labourer shall incur by the fault in question.

LXII. For the execution of what is ordained in the first paragraph of the preceding Article, the owners or persons in charge of farms or establishments, where there are Chinese labourers shall keep account-books, showing the amount of work done by them daily, and the sum paid to them, so that the amount which one of them owed or was to receive could be shown at once, and in the former case show for how long the respective contracts were to be prolonged.

LXIII. The account of work and payments of each labourer, shall be made up at the end of each month, and he shall be made aware of the result in order that if he had any observation to make, he might do so at once, or apply to the protector in case of his not agreeing to the decision of the master.

LXIV. The clause which in conformity with Article VI, paragraph 8, all contracts ought to contain, obliging the labourer to submit to the discipline of the farm or establishment in which he has to work, and any other which shall oblige him to obey the orders of his master, shall always be interpreted subject to the exception, that the rules and orders given to the labourer, shall not be contrary to other conditions of the same contract, nor to what is stated in these regulations.

LXV. When a labourer shall escape from the farm or establishment in which he serves, his master shall inform the local authorities in order that proper search shall be made for him.

The master shall at once pay the expenses attendant on his capture and restitution, but he shall have the right to indemnify himself by retaining half the salary coming to the fugitive.

LXVI. The master shall take means to teach the labourers the dogmas and the morality of the true religion, but without employing other means for that purpose than persuasion and conviction; and if any one expressed a desire to become converted to the Catholic faith, he shall acquaint the respective parish priest of it, in order that the proper steps may be taken.

LXVII. When a labourer shall receive an injury or offence, which does not constitute a transgression of the law, on his person or to his interests, from a free man or from a labourer of another master, the master shall take information on the subject; and if he thinks the complaint to be well founded, he shall demand reparation from the offender or his master, by friendly and extra-judicial means; and if these means were not sufficient to obtain it, he shall demand reparation before the competent authorities, or shall inform the "Promotor Fiscal" of the facts, in order that he may demand it. If he does not think the complaint founded he shall tell the workman so, exhorting him to desist from his purpose; but if the workman does not agree with his decision, he can apply to the "Promotor Fiscal," to make the proper demand.

When the complaint shall be directed against another labourer belonging to the same master, the latter or his representative shall decide the question, as they think right. Either of the two parties can reclaim against this decision to the protector or his delegate who shall make themselves acquainted with the affair in the form prescribed by Article XXXIII.

LXVIII. The introducers of labourers, and the masters who shall fail in any of the obligations or formalities laid down in this, and in the preceding chapter shall incur a fine in proportion to the gravity of the offence, which shall be imposed upon them by the Government, without its being any hinderance to the penal or civil responsibility to which they may be subject, and which must be exacted from them by the authorities in the proper manner.

CHAP. III.—*Respecting the Disciplinary Jurisdiction of the Masters.*

LXIX. The masters shall exercise over their labourers disciplinary jurisdiction, and in virtue of this right, they shall be able to punish them in the following manners:

1st. Arrest of from one to ten days.

2nd. Suspension of wages during the same time.

The first of these punishments may be inflicted without the second, but the latter never without the former.

LXX. Whenever the master shall inflict upon his labourer either of the punishments mentioned in the foregoing Article, he shall give notice of the same within the 24 hours following to the protector, in order that he may judge for himself, if he should think it necessary, of the fault committed, and alter the sentence of the master, should it appear unjust to him.

The master who shall fail to give the said notice within the time prescribed, shall be punished by the competent authority by a fine of from 25 to 100 dollars.

LXXI. The labourers can always complain to the protector of any injury done to them by their masters, whether of being punished without reason; imposing tasks on them which are beyond their powers, or any other fault in his treatment of them.

If the protector shall find the master guilty of any crime, he shall denounce him to the competent tribunal, and if only of a slight fault, he shall himself impose on him a fine which shall not exceed 100 dollars.

LXXII. To insure the fulfilment of what is stated in the two last Articles, the protectors shall be able, either themselves or by delegates, to visit, when they think proper, the estates or establishments where labourers are employed, and so collect what information they may deem advisable.

LXXIII. The delegates of the master on the estate or establishment can exercise disciplinary jurisdiction, but under the pecuniary responsibility of the master himself, while they do not cease to be responsible for the penalties they may incur.

LXXIV. The following faults shall be punished according to discipline:

1st. Want of subordination to the masters, to the heads of the industrial establishments, or to any other delegate of the master.

2nd. Refusing to work, or want of punctuality in fulfilling the tasks given to the labourers.

3rd. Injuries committed which do not produce wounds, which prevent the injured party from working.

4th. Flight.

5th. Drunkenness.

6th. The infraction of the rules of discipline laid down by the master.

7th. Any offence against decency, as long as it does not consist of one of those crimes which can only be prosecuted at the request of a prosecutor, or that when it did consist of such an offence, the injured party does not complain of him.

8th. Any other malicious act, and any which may be construed into injuring or aggrrieving a third party, and which does not constitute, notwithstanding, a crime which may be officially proceeded against according to law.

LXXV. The disciplinary jurisdiction shall be exercised by the masters, without prejudice to the right of a third injured party to exact that the offending labourer shall be punished by the tribunals, if there was motive for it.

LXXVI. In all cases of penal or civil responsibility, in which the masters are not competent judges, the ordinary tribunals shall take cognizance of it, to which the labourers shall present themselves, represented in the manner prescribed in these regulations.

LXXVII. When the punishments mentioned in Article LXIX shall not be sufficient to prevent the repetition, by the labourer, of the same or other faults, the master will have recourse to the protector, who shall determine, if the act constitutes a crime in the eyes of the law, that the offender shall be punished in accordance to the law, or in a contrary case, by the augmentation of disciplinary punishments.

LXXVIII. In a case where the labourers on an estate shall rise and resist by force and collectively the orders of the superiors, the master shall also be permitted to use force to bring them into subjection, giving immediate notice to the protector of the district, in order that he, should the gravity of the case require it, shall order that the offenders shall be punished in the presence of the other labourers.

CHAP. IV.—*General Arrangements.*

LXXIX. All renunciation which may be made of the arrangements in these regulations established in favour of the Chinese, shall be null.

LXXX. The Governor Captain-General of the island shall adopt the necessary measures, so that in the month of January in every year, the masters shall draw up, a correct return of the labourers, showing in these returns their name, sex, age, condition, the work on which they were employed during the time of their contract; and the name, profession, and habitation of the respective masters. The same authorities shall send to the Colonial Minister an annual return of the said masters, in which shall be stated the number of labourers, classed by sexes, by age up to 15 years, from 15 to 50, and from 50 upwards; by condition, of bachelor, married or widower; by occupations, according as they may be engaged in agricultural, industrial, or domestic occupations; by the districts in which they reside; and by the time of the duration of their con-

tracts, according as there may, from less than 5 years, from 5 to 10 years, from 10 to 15 years, and from 15 years upwards.

LXXXI. The Government reserves the right to suspend or prohibit at any time the introduction of Chinese labourers in the island of Cuba.

The resolution which they have adopted in this sense, shall be published in the Gazette of Madrid and in that of Havana, and from the date of its insertion in the latter, will begin the term within which the expeditions will be still permitted: this term shall not be less than 8 months, and the vessels arriving afterwards shall be considered as in Article XX.

All companies who may engage in this traffic, will understand that, by the act of engaging in it, they acknowledge that the suspension or prohibition of the traffic does not entitle them to any sort of indemnification.

LXXXII. The Royal Decree of March 22, 1854,* and all other previous regulations respecting this matter are hereby annulled.

Given at the Palace this 6th day of June, 1860.

Signed by the Royal Hand.

LEOPOLD O'DONNELL, *Minister of War and Colonies.*

No. 99.—*Mr. Edwardes to Lord J. Russell.*—(Received August 31.)
(Extract.) *San Ildefonso, August 21, 1860.*

I HAVE the honour to state that I have placed in Marshal O'Donnell's hands a copy of your Lordship's despatch of the 11th instant, together with a copy of the papers upon emigration from China which accompanied it.

Upon his Excellency's asking me to explain the nature of the despatch, I said that it was a long document, which would require his serious attention, but if he wished it, I would translate the three proposals it contained, and which were submitted to the Spanish Government by that of Her Britannic Majesty.

To the two first proposals Marshal O'Donnell objected strongly.

With regard to the first, his Excellency asked me what was meant by a systematic plan of cruising off the Coasts of Cuba. Was it intended that foreign vessels should enter into the jurisdictional waters of Spain, and exercise a sort of police? Because if so, such a privilege never could be granted by this country. If such was not the intention, England required no new Treaty to exercise the privilege already secured to her of cruising off the Coasts of Cuba, and he could not look upon the paper which I laid before him in any other light than that of a proposal for a new Treaty.

The second proposal Marshal O'Donnell said was wholly inadmissible, and contrary to the existing laws of Spain.

* Vol. XLV. Page 1092.

With reference to the third, his Excellency said that the Spanish Government had already issued a decree for regulating the admission of coolies into Cuba, and that he was desirous of establishing a plan for their emigration.

When Marshal O'Donnell had ended, I told him I should submit his remarks to your Lordship, but that I had received instructions merely to place the despatch in his hands, but none to discuss its contents; that I did not require any answer at that moment, but I hoped his Excellency would take it into his consideration, and assist Her Majesty's Government in their endeavours to suppress the Slave Trade.

Marshal O'Donnell then said, "I wish you would tell your Government that Spain has Treaties with England for the suppression of the Slave Trade, and I am determined to execute, most faithfully, the stipulations of those Treaties."

Lord J. Russell.

R. EDWARDES.

No. 104.—Sir A. Buchanan to Lord J. Russell.—(Rec. October 27.)
MY LORD, *Madrid, October 21, 1860.*

IN conformity with the instructions contained in your Lordship's despatch to Mr. Edwardes of the 29th ultimo, I have addressed a note to Señor Collantes, of which I have the honour to inclose a copy, asking the Spanish Government what are the measures in operation or contemplation by which they expect that the Slave Trade may be arrested and abolished.

I have, &c.

Lord J. Russell.

ANDREW BUCHANAN.

(Inclosure.)—Sir A. Buchanan to Señor Collantes.

Madrid, October 17, 1860.

THE Undersigned is directed by his Government to call the serious attention of the Minister of Foreign Affairs of Spain to the present state of the Cuban Slave Trade.

In the year 1834 the British Government proposed to France, Spain, and Portugal, the Treaty of Quadruple Alliance, the effect of which, together with active military and naval assistance afforded by Great Britain, was to establish Queen Isabel on her Throne, and to secure for the Spanish nation the blessings of Constitutional Government.

Upon the conclusion of the struggle in the Peninsula, which ended in those great and advantageous results to Spain, the British Government asked from Spain, as the only acknowledgment and reward for the important services thus rendered to the Spanish nation, that Spain should faithfully, and actively, and effectually co-operate with Great Britain in that glorious work to the accomplish-

ment of which the energies of Great Britain had for many years been perseveringly directed, the abolition of the Slave Trade.

The Spanish Government acknowledged the just claim of Great Britain upon the gratitude of Spain, and cheerfully consented to grant a request which was alike honourable to the nation which made it, and to the nation by which it was conceded. Accordingly, on the 28th of June, 1835,* a Treaty was concluded and signed at Madrid, and afterwards ratified on the 27th of August following, Article I of which stipulates "that the Slave Trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world;" while the remaining Articles provide arrangements by which the general engagements of Article I shall be carried into execution.

It appears from statements, the authenticity of which cannot be disputed, that in 1859, 24 years after the conclusion of this Treaty, the Slave Trade between Africa and Cuba was carried on to a very large amount.

Her Majesty's Consular officers in Cuba have reported that not less than 15,000 slaves were introduced into Cuba in the year 1859. American newspapers give the names and other particulars of 85 vessels which have been engaged in the Slave Trade in the last 18 months, and other newspapers give the names of 26 vessels which have landed slaves in Cuba in the year 1859.

It is clear, therefore, that upwards of 12,000 Africans have been carried across the seas, and introduced into Cuba in the year 1859, and this statement, probably, falls short of the truth.

The Government of Her Britannic Majesty have in various despatches, and upon other and frequent occasions, pointed out the manner in which the obligations of Treaty between Spain and Great Britain, and the provisions of the Spanish laws, have been violated: they have also suggested various modes by which this nefarious and inhuman traffic may be extinguished.

The Undersigned is not instructed to repeat the observations which have so often been made upon this subject. But he is directed to refer in a pointed manner to the example of Brazil, who, from the moment she determined to fulfil her Treaty engagements to Great Britain, and to abolish the Slave Trade, found no difficulty in doing so.

The present state of things, therefore, as regards Great Britain and Spain, is one of embarrassment and uneasiness. The Government of Great Britain is reproached by public opinion for want of dignity in looking unmoved at the constant and systematic violation by Spain of the solemn engagements of the Spanish Crown. The Government of Her Catholic Majesty cannot but feel mortified at

the just reproach under which Spain labours of not doing that which Brazil has faithfully, honourably, and completely effected.

The Undersigned is instructed, in this position of affairs, to ask the Government of Her Catholic Majesty what Spain proposes to do. How does the Spanish Government intend that the engagements of 1835 shall be fulfilled? What are the measures in operation, or in contemplation, by which the Spanish Government expects that the Slave Trade may be arrested and abolished.

Her Majesty's Government are persuaded that the Government of Her Catholic Majesty will be anxious to relieve Spain from a heavy reproach, and to render an honourable service to the cause of humanity by adopting efficient measures for the suppression of the Cuban Slave Trade.

The Undersigned, &c.

Señor Collantes.

ANDREW BUCHANAN.

No. 107.—Lord J. Russell to Sir A. Buchanan.

SIR,

Foreign Office, December 11, 1860.

I TRANSMIT to you herewith, for your information copies of despatches as marked in the margin, which I have received from Her Majesty's Acting Consul-General at the Havana, on matters connected with the Cuban Slave Trade.

I have to instruct you to communicate officially to the Spanish Government the landings denounced by Mr. Crawford.

You will at the same time state that Her Majesty's Government learn with satisfaction, from a letter addressed on the 24th of October last by Mr. Crawford to the Captain-General of Cuba (copy of which is inclosed in Mr. Crawford's despatch of the 3rd ultimo), that the Spanish squadron has been recently successful in capturing slavers; and you will express the hope of Her Majesty's Government that the parties interested in the landings denounced by Mr. Crawford, as well as those implicated in the captured vessels, will not be allowed to escape the punishment merited by their crimes.

I am, &c.

Sir A. Buchanan.

J. RUSSELL.

No. 108.—Sir A. Buchanan to Lord J. Russell.—(Rec. Dec. 22.)

MY LORD,

Madrid, December 17, 1860.

I HAD the honour to receive your Lordship's despatch of the 11th instant, and in conformity with the instructions therein contained, I have addressed a note to Marshal O'Donnell, of which I inclose a copy, calling the attention of the Spanish Government to various landings of negroes which have recently taken place in Cuba, and expressing the hope of Her Majesty's Government that the persons interested in them will be punished; and also those who may be implicated in the cases of the slave-vessels which Her

Majesty's Government observe with satisfaction have been lately captured by Spanish cruisers. I have, &c.

Lord J. Russell.

ANDREW BUCHANAN.

(Inclosure.)—*Sir A. Buchanan to the Duke of Tetuan.*

SIR,

Madrid, December 17, 1860.

IN conformity with the instructions which I have received from the Principal Secretary of State of the Queen my Sovereign, I have the honour to bring before your Excellency's notice, the following statements, which Her Majesty's Government have received from Her Majesty's Acting Consul-General at the Havana, as to the activity with which the Cuban Slave Trade is still carried on.

Mr. Crawford, on the 24th August last, addressed a note to the Captain-General, stating that he had received reliable information of the landing a few days previously, in the district of Bahia Honda, of 850 Bozal negroes; and he was subsequently assured that a number of these negroes belonging to the slave-trader Durañoña, had been put ashore at an estate called Marguerita or Buena Vista at Creek La Mulata, in the vicinity of Los Pozos, on the 22nd of August, while others were brought to the Havana.

On the 1st of September Mr. Crawford again addressed the Captain-General, requesting information as to the circumstances of the arrest and subsequent release of some persons concerned in the landing of a cargo of negroes on the 27th of August, at Canasi, in the district of Matanzas, from a vessel supposed to be the *Eloisa*, commanded by the nephew of the slave-trader Captain Eugenio Viñas.

It appears that these negroes had been taken to an estate called Desquite, where they were placed under sequestration by the Governor of Mantanzas, until their future disposal should be decided by a court of law.

On the 1st of November Mr. Crawford called the attention of the Captain-General to a landing which had taken place some days previously at the Isle of Pines, of 350 negroes, who, it was believed, would be removed to Batabano by the steamer *Cubano*, in lots of 30 or 40; and he also stated that he had heard of other cargoes run at the same place during the year, which he had refrained from denouncing to his Excellency from his not having sufficiently satisfactory evidence of the facts.

The landing of the 350 negroes was corroborated by the Commander of The United States' steamer *Wyandotte*, and again on the 3rd of November Her Majesty's Consul-General reported to his Excellency the landing of 200 negroes near Trinidad, and some days subsequently of 600 near the same place. He found Marshal Serrano was already acquainted with the landing of these negroes, and that

he had taken measures for the punishment of the authorities who had connived at this breach of the law.

A despatch from Her Majesty's Consul-General in November also reports that The United States' schooner *Major Barbour* had sailed for New Orleans on the 16th of October, from whence it was believed she would proceed to the coast of Africa; that the schooner yacht *Wanderer* and the Spanish schooner *Amalia* were in port, and supposed to be intended for slave-voyages; and that the American brig *Nancy* had sailed for San Tomé and the River Congo, Marshal Serrano being unfortunately unable to prevent her clearance.

The Spanish brigantine *Margarita* of about 200 tons, was also said to be intended for the Slave Trade; and the American barque *Lyra* had been sold to notorious slave-traders.

In making this communication to your Excellency, I am to state that Her Majesty's Government have learnt with satisfaction from a letter addressed by Mr. Crawford on the 26th of October last to Marshal Serrano, that several captures of slaves have been recently effected by Her Catholic Majesty's cruisers; and I am to express the hope of Her Majesty's Government that the parties interested in the landings of slaves to which Mr. Crawford had called the attention of Marshal Serrano as above stated, and also that the persons implicated in the cases in which vessels have been captured, will not be allowed to escape the merited punishment of their crimes.

I avail, &c.

The Duke of Tetuan.

ANDREW BUCHANAN.

SPAIN (HAVANA).

CONSULAR.

No. 111.—*Consul-General Crawford to Lord J. Russell.*

(Received April 28.)

MY LORD,

Havana, March 19, 1860.

WITH reference to my despatch dated the 5th instant, which inclosed to your Lordship a copy of my letter to the Captain-General, dated the 25th ultimo, respecting a landing of slaves which was effected at Guantanamo, which I did myself the honour of reporting to your Lordship in my despatch of the 25th ultimo, I have to state to your Lordship that Brigadier Vargas has been superseded in the government of the Eastern District, and it is said, that his removal from that command (which has been usually conferred by the Crown of Spain, and is not in the gift of the Captains-General) was given rise to by his disrespectful answers in the

[1860-61. LI.]

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correspondence which took place respecting that disembarkation of Bozals and the previous one, at Sigúa, near Santiago, referred to in a communication which I addressed to General Serrano on the 14th of January, a copy of which I now beg leave to lay before your Lordship.

The Brigadier Letona has been appointed to succeed Brigadier Vargas at Santiago de Cuba, until the pleasure of Her Majesty is known, and the Government of this city and district, held by M. Letona, has been conferred on M. Mantilla, the Government Secretary, who is succeeded (interim) by the Chief Clerk in that office.

I have, &c.

Lord J. Russell.

JOS. T. CRAWFORD.

(Inclosure.)—Consul-General Crawford to the Captain-General of Cuba.

Havana, January 14, 1860.

UNDER date the 8th instant, Her Majesty's Consul writes me from Santiago de Cuba, that a landing of slaves, 850 or 400 in number, had been effected about two days previous to that date, at or near Sigúa, by the same parties who about two years ago landed another cargo of Bozals at the same place, and the Consul adds that, as a vessel had been seen on fire off that part of the Coast, it is supposed that the slaver had been burnt after the landing of the negroes was effected. It is also stated that an American vessel which entered the port of Santiago, on the afternoon of the 6th, brought in some people said to be shipwrecked, but who, the Consul thinks, were part of the crew of the slaver referred to.

I hasten to communicate to your Excellency this information for such purpose of investigation as you may think fit to order.

I have, &c.

The Captain-General of Cuba.

JOS. T. CRAWFORD.

No. 121.—Consul-General Crawford to Lord J. Russell.

(Received June 2.)

(Extract.)

Havana, May 14, 1860.

IN my despatch dated the 7th instant, I alluded to the existence of a company here and elsewhere in the island, for carrying on the Slave Trade.

I have now the honour of reporting to your Lordship, that, although I am unable to furnish the names of the subscribers, so as to denounce them and their illegal association to the Spanish authorities, I have obtained some information that is to be relied on as to the extent and magnitude of their arrangements.

The company, which was originated in this city, has interested

agents in most of the ports on the north side of Cuba, for the introduction of slaves.

They are owners at present of 37 vessels, which number is to be increased to 80.

The business is to be conducted on a grand scale, and it is calculated that it will succeed, some of the conditions being as follows:

The masters, officers, and crews are to be engaged (as it were) on shares of the adventure, and their remuneration is guaranteed to be paid to them previous to the landing of a single negro from any of the expeditions that arrive in safety.

The captains are to receive 10,000 dollars; the chief mates, 2,000 dollars; other mates and carpenters, 1,500 dollars; and to each of the crew, 1,000 dollars.

The vessels are to be despatched from this harbour and the outposts in regular succession, one to sail every 15 days, or oftener, and to be capable of carrying 400 or 450 or more slaves.

I understand they fully expect that many of their fleet will be captured, but they reckon on being able to introduce 150,000 to 160,000 Bozals before the association is broken up, which, unless something unforeseen occurs, they will easily do.

It will be obvious to your Lordship, that, to purchase and equip 80 vessels, the capital subscribed must be large. I had heard previously, that it was 600,000 dollars, and probably this was correct, giving 16,000 dollars for each of 37 vessels, but as it is proposed to increase the fleet to 80, the subscribed capital must exceed 1,250,000 dollars, which amount, large as it is, would, for such a purpose, be easily obtained here, especially as it is said, and I have no doubt truly, that a great number of the wealthiest Spaniards are subscribers. They have doubtless been allured by the prospect of enormous gains and the almost certainty of success, knowing, as they do, that all will be safe, if they can only elude the vigilance of our cruisers at the coast of Africa; that money will buy their successful disembarkation, and that we have for some time past withdrawn our cruisers from these waters.

Every Spaniard being imbued with the idea that the prosperity of Cuba depends on the Slave Trade being continued, the pressure on the Government at Madrid, as well as here, is such that they are apprehensive that disorder would ensue did they not tolerate its being carried on, and they dare not make any efforts for its suppression.

It is hopeless, therefore, to expect anything from them.

Lord J. Russell.

JOS. T. CRAWFORD.

No. 142.—*Acting Consul-General Crawford to Lord J. Russell.*
(Received October 1.)

MY LORD,

Havana, September 11, 1860.

I HAVE the honour of transmitting herewith to your Lordship a translation of a circular which the Captain-General has addressed to all the Governors and Lieutenant-Governors in this island, and which appeared in the "Gazette" of the 6th instant, urging them to use every means in their power to prevent the landing of slaves, and at the same time warning them that his Excellency will hold them and all their subordinates personally responsible for any infringement of the law which may occur in their jurisdictions, the mere fact of the landing of a cargo of slaves being considered sufficient to suspend from his office any public employé who is unable to show that he has done his duty in endeavouring to prevent it, besides delivering him over to the tribunals for trial, should there be reasons for suspecting dishonesty.

I need scarcely point out to your Lordship that if this measure is strictly enforced, it will go a great way towards putting down the Slave Trade; but I fear that General Serrano's good intentions will be often thwarted by the cunning of the traders; and it will be very easy for the subaltern officers of the district where a cargo of negroes may be landed, to capture a few of the sick or weakly, and thus cover their responsibility in the matter.

I have, &c.

Lord J. Russell.

JOHN V. CRAWFORD.

(Inclosure.)—Circular.

(Translation.)

Havana, September 4, 1860.

IN the orders circulated by this Superior Civil Government on the 30th of November and 6th of June last, I cautioned the civil authorities of this island to observe the strictest vigilance in order to prevent any disembarkation of Bozal negroes, stating that I would exact the strictest responsibility from them, as well as from any public officer in whose jurisdiction the landing of negroes might take place, whenever I learnt that it had been effected through their improper conduct or carelessness.

Notwithstanding such positive dispositions, several disembarkations of Bozal negroes have recently taken place at various parts of the island, and I have been compelled to adopt measures, at all times unpleasant, against certain officers for not having duly proved that they had displayed all the zeal and energy which are requisite for the exact fulfilment of the duties imposed upon them by their office, and by the said orders of this Government.

In consequence thereof, and determined as I am to prevent the Slave Trade by every means in my power, strictly fulfilling the

Treaties with other nations, as well as the laws and other dispositions in force on the subject, I again address you, strictly charging you on your own responsibility and on that of the public officials under your immediate control, to maintain the utmost vigilance in order to prevent any infringement of these laws and dispositions in the jurisdiction under your command, with the understanding that the simple fact of the landing of a cargo of slaves will be deemed sufficient cause for suspending from office any public employé who does not use every exertion and every legal means in his power to prevent it, whether through negligence or otherwise, besides subjecting him to trial, should there be reasons of another nature for suspecting his conduct or for doubting his honesty.

The vast importance of this subject cannot escape your good judgment; and that any want of zeal and activity in the matter must necessarily fall back upon the honour of the Government, which it is my duty to preserve spotless even in the last of the public employés. I hope, therefore, that without loss of time you will transmit to all your subordinates the foregoing instructions, with any others that your zeal and desire for the general good, properly considered, may suggest, it being clearly understood that I shall be inexorable in carrying out all that I have decreed in the same manner that I shall endeavour to reward those who render good service.

Finally, I charge you to make use of every gubernative means in your power for the due performance of these instructions, being assured that this Civil Government will approve of all the steps which may be taken to prevent the reprobated traffic in slaves.

God preserve, &c.

FRANCISCO SERRANO.

TRIPOLI.

No. 152.—Consul-General Herman to Lord J. Russell.—(Rec. May 10.)

MY LORD,

Tripoli, April 30, 1860.

I HAVE the honour to transmit to your Lordship, inclosed, copy of a despatch I have addressed to his Excellency the Governor of Malta on the subject of certain parties of negroes that have lately been directed from this place on that island *en route* for the Turkish capital or other ports of the Archipelago.

The negroes in question previous to embarkation were provided with letters of manumission in due form and endorsed by the Cadi,

the highest legal functionary in the Regency. But such documents, in the majority of cases, are absolute fictions, as there are but too numerous examples to prove of negroes provided with such papers having been subsequently sold at Constantinople and other Turkish ports, where they fetched enormous prices.

If this system be not checked, by an ingenious fiction the island of Malta may become a convenient point of transit for an illicit traffic in negroes, and that, too, without the slightest knowledge of the island authorities.

I have, &c.

Lord J. Russell.

G. F. HERMAN.

(Inclosure.)—Consul-General Herman to the Governor of Malta.

SIR,

Tripoli, April 30, 1860.

I HAVE the honour to report to you, for the information of his Excellency the Governor, that notwithstanding the abolition by an Imperial firman, of the Slave Trade in Turkey, a considerable contraband traffic in negroes is still carried on in this Regency.

Every ingenious device is resorted to, even by the authorities themselves to neutralize the operations of the Imperial Decree. One of the most frequent means adopted is to provide each slave embarked with letters of manumission, which are duly endorsed by the Cadi himself, the highest legal functionary in the place. But this is an absolute fiction. No sooner has the vessel cleared the port than these documents are destroyed, and the negro resumes his former status; for it is notorious that many negroes who have been embarked from this port provided with these fictitious papers were subsequently sold at Constantinople and other ports of the Levant, where they fetch enormous prices.

Since the establishment of a steam communication between this port and Malta, negroes in small parties have been in this manner lately conveyed to that island *en route* for the Turkish capital or other ports of the Archipelago. The steamer now running between this and Malta is under the Turkish flag, but the master is a Maltese, who, as well as the masters of the several small craft trading between this and Valetta, have been duly warned of the severe penalties they will incur by the slightest infraction of the Act 5 Geo. IV. cap. 118.

Under these circumstances, as it never could have been contemplated, after the prodigious sacrifices that Great Britain has made, and is still making, for the abolition of the Slave Trade, that the island of Malta should ever by an ingenious Turkish fiction, of which the island authorities have no knowledge, be made a point of transit for all illicit traffic in slaves, I lose not a moment in bringing this subject to the attention of his Excellency the Governor, in order that such preventive measures, so far as the island of Malta is

concerned, may be taken as the exigencies of the case may be considered to justify.

I have, &c.

The Governor of Malta.

G. F. HERMAN.

P.S.—It has just come to my knowledge that the Cadi himself proposed to the captain of a Maltese bombard, the *Gloria Carmeli*, which will sail for Malta with the first fair wind, to convey to that island 82 negroes *en route* for Constantinople, all of whom were duly provided with manumission papers *en règle*, the fictitious value of which the slightest interrogation of the negroes themselves at the port of disembarkation would immediately establish.

No. 153.—*Lord J. Russell to Consul-General Herman.*

SIR,

Foreign Office, May 16, 1860.

WITH reference to your despatch of the 30th ultimo, I have to acquaint you that I approve of your having called the attention of the Governor of Malta to the practice which exists of forwarding negroes to that island from Tripoli, furnished with manumission papers, who, there is every reason to believe, are subsequently sold into slavery at Constantinople.

I am, &c.

G. F. Herman, Esq.

J. RUSSELL.

No. 154.—*Consul-General Herman to Lord J. Russell.*—(Rec. Aug. 8.)

MY LORD,

Tripoli, July 2, 1860.

I HAVE the honour to report to your Lordship that in the month of August last an expedition, composed of 2,000 men, organized by the Governor of the Syrtis, Ali Bey Littenise, and headed by his brother, left that district for the purpose of making a *razzia* on the interior, and actually marched on the Tuarik town of Ajjer, situated in latitude 17° north, longitude 8° east.

Informed of this expedition, the Governor-General, to arrest its march, despatched troops upon Benoolia and Fezzan; but so cunctatorean were their movements that the operation totally failed. In consequence, these freebooters plundered in succession the Tibboo town of Cavar and the Tuarik town of Ajjer, one of the great commercial entrepôts of the interior; and at a well near the last place they further captured and destroyed a caravan of Tuariks and Ghadamsines numbering some 3,000 persons. The expedition then countermarched upon Cavar, where a distribution of the spoil was made. From that point, breaking up into two divisions, one, 800 strong, moved upon Canem, to operate a junction with Ouled Soleyman, an Arab tribe which some years ago, in a state of disaffection, emigrated from this Regency. The second division took, it was supposed, the direction of Audgela, with the object of gaining the Egyptian frontier.

On the receipt of the report of these movements made to me by Her Majesty's Acting Vice-Consul at Morzouk, I immediately sought an interview with the Governor-General, to whom I exposed that although the first division was far beyond the sphere of his jurisdiction, still, if prompt and vigorous measures were taken, the second might yet be intercepted.

Accordingly his Excellency, in the month of May last, despatched a column, composed of one battalion rifles, two squadrons cavalry, one light field battery, and 600 mounted irregulars, under the orders of Colonel Sabri Bey, in pursuit of the marauders. After an eccentric march of 40 days this column struck the sea at Marzu Brega, some 4 marches from Bengasi.

Deceived by so eccentric a movement, and deeming Bengasi to be Sabri Bey's objective point, Ali Bey Littenise abandoned his design of gaining Koufoon, an oasis in the heart of the Lybian Desert, and tarried in fatal security in his camp at the well of Ghedeba, near the bottom of the Gulf of Syrtis, at which point, by a rapid countermarch, he was surprised by Sabri Bey. The entire camp, composed of 2,000 tents, Ali Bey, 18 Sheiks, some 40 Tuarik and Tibboo women and children, and a large material, fell into the hands of the Imperial troops.

This march of upwards of 600 miles during the present hot season across an uninterrupted desert, where for days together no water was found, while it reflects the highest credit on the skilful execution of the officer in command, exhibits at the same time the extraordinary power of endurance of the Turkish soldier. The only casualty that marked its operation was the loss of 12 artillery horses, that died from sheer exhaustion.

In the meantime Cassim Pasha, the Governor of Mesurata, at the head of a small force of irregular cavalry, advanced from that point into the Syrtis, and succeeded in recovering some 200 women and children, 180 of whom, composed in a great majority of Tibboo children of tender age, were yesterday in a most deplorable condition brought into Tripoli.

It is the intention of the Governor-General to send these unfortunates back to their respective countries, a measure, it is to be hoped, that will in some degree allay the bitter feeling of hostility that this razzia, marked by acts of the most cold-blooded atrocity, has engendered among the Tibboo and Tuariks.

The Governor-General assured me that on the retrograde march of these freebooters from Ajer to Cavar upwards of 100 Tuarik children were left to perish in the desert.

Ali Bey and his companions will be brought down here, where it is to be desiderated that such an example will be made of them as will arrest the further development of similar expeditions, alike

revolting to humanity and pregnant with the utter ruin of the commerce of the interior.

I have, &c.

Lord J. Russell.

G. F. HERMAN.

No. 155.—Consul-General Herman to Lord J. Russell.—(Rec. Aug. 3.)

MY LORD,

Tripoli, July 18, 1860.

WITH reference to my despatch of the 2nd instant, reporting the surprise and capture of Ali Bey Littenise's camp by Colonel Sabri Bey, I have further the honour to report to your Lordship that the officer in question has since recovered 240 negroes and 300 camels.

The number of negroes already recovered will convey to your Lordship some idea of the magnitude of the razzia.

I have, &c.

Lord J. Russell.

G. F. HERMAN.

No. 156.—Lord J. Russell to Consul-General Herman.

SIR,

Foreign Office, August 20, 1860.

I HAVE received your despatches of the 2nd and 18th ultimo, reporting the successful result of measures adopted by the Governor-General of Tripoli, to intercept an expedition organized by Ali Bey, for the purpose of plundering and procuring slaves in the interior; and I have in reply to state to you, that the conduct of the Governor-General in this matter, reflects much credit upon him. You should insist upon the punishment of the offenders.

I am, &c.

G. F. Herman, Esq.

J. RUSSELL.

No. 157.—Consul-General Herman to Lord J. Russell.—(Rec. Oct. 5.)

MY LORD,

Tripoli, September 14, 1860.

WITH reference to your Lordship's despatch of the 20th ultimo, conveying your Lordship's approval of the measures taken by the late Governor-General, Izret Pasha, to intercept the marauding expedition of Ali Bey, I have the honour to state that he and some 13 other Sheiks, his adherents, were a few days ago brought into Tripoli.

They are at present in chains, and all their property has been confiscated.

His Excellency the Governor-General assured me yesterday that on the arrival of Sabri Bey, who commanded the column sent against them, a searching inquiry shall be instituted into the whole affair, and such a further measure of punishment awarded as the circumstances of the case may justify.

I have, &c.

Lord J. Russell.

G. F. HERMAN.

TURKEY.

No. 158.—*Sir H. Bulwer to Lord J. Russell.*—(Received April 15.)
 MY LORD, Constantinople, April 4, 1860.

I HAVE the honour to transmit, herewith, copy of a despatch from Her Majesty's Consul at Jeddah, giving an account of the excitement which exists among the population of that place, in consequence of the local authorities enforcing the Sultan's orders for the suppression of Slave Trade.

Fuad Pasha, to whom I lost no time in communicating the contents of Mr. Stanley's despatch, does not anticipate the consequences apprehended by the latter, but thinks it prudent under existing circumstances, without rescinding former orders, to recommend their being carried out with prudence, particularly at a moment when a heavy contribution for the late outrage is to be levied on the population of Jeddah.

Lord J. Russell.

I have, &c.

HENRY L. BULWER.

(Inclosure.)—*Consul Stanley to Sir H. Bulwer.*

SIR,

Jeddah, March 13, 1860.

WITH reference to previous correspondence with your Excellency concerning the Slave Trade at Jeddah, I have the honour to inform your Excellency that the Governor-General of the Hedjaz issued on or about the 25th of February, an order forbidding the exportation of slaves from the ports of Nubia and Abyssinia, and also their importation to, or exportation from, Jeddah or the other ports of Arabia.

I think it my duty to inform your Excellency, that in consequence of this order the population is highly excited, and though it is my opinion that no rising will take place so long as no further prohibitory order is issued, as it is easy to carry on a contraband trade with slaves, embarking and disembarking them along the coast, especially as the Ottoman Government has no cruisers in the red sea; yet if they attempt to put a stop altogether to the traffic in slaves, it is rumoured that there will be a general insurrection among the Arabs, the consequences of which might be disastrous to the Ottoman authority, as they are scarcely in sufficient force to insist on any measure that is contrary to the wishes and interests of the whole native population.

Your Excellency is aware that when, in 1855, the Government attempted to put a stop to the sale of slaves in Mecca, a revolution was the immediate consequence; the garrison was shut up in Mecca for some months, and the Porte was obliged to repeal the obnoxious order.

In an interview I had yesterday with the Governor of the town,

he expressed his hope that the Supreme Government would not send out orders to stop altogether any sale of slaves, as he felt sure that such order would produce a general rising, and also his belief that as the Arabs on both sides of the sea have peaceably submitted to these orders, forbidding the importation or exportation of slaves from any ports in the Red Sea, but allowing the sale of those that are already in Arabia, slavery will gradually cease, from there being no supply.

He owns that their hope of carrying on a contraband trade, has probably induced them to submit to this order.

I am aware that the traffic in slaves could easily be prevented by having a few cruisers, English or French, in the Red Sea, but in that case, I humbly submit my opinion to your Excellency that it would be impossible for Christians to reside at Jeddah, or any of the ports in Arabia in the Red Sea. There is already, I am assured, a bitter feeling against the English among the Arabs, and against me as British Vice-Consul, as they know that the English have done so much to stop slavery, and it is supposed that they, through my instances, have caused these orders to be sent from Constantinople, connected too, as they say, with the late seizure of the ship *Tvohlee Salem*, at Massowah.

Your Excellency will see that this is a delicate subject for me to treat of, as it may expose me to the imputation of personal fear, but I consider that, in the situation which I have the honour to hold at Jeddah, and with such large British interests dependent on the tranquillity of the place, I should not be justified in withholding from your Excellency the rumours of insurrection excited by this order, especially as there are many who do not hold the same opinion with the Governor of the town, as to the submissive manner in which the natives have received these orders.

I have, &c.

Sir H. Bulwer.

G. E. STANLEY.

No. 159.—Lord J. Russell to Sir H. Bulwer.

SIR,

Foreign Office, June 22, 1860.

I TRANSMIT to your Excellency, herewith, an extract of a letter from Captain Playfair to the Secretary of State for India, which has been communicated to me by Sir Charles Wood, relative to the connivance of Turkish authorities at the continuance of the Slave Trade in the neighbourhood of Aden, and I have to instruct your Excellency to make a representation on this subject to the Turkish Government.

I am, &c.

Sir H. Bulwer.

J. RUSSELL.

(*Inclosure.*)—*Captain Playfair to Sir C. Wood.*

(Extract.)

Aden, May 18, 1860.

It is rumoured that the Turkish authorities in the *Tehama* have consented to connive at the continuance of the Slave Trade at *Zaila* and *Tajourra*, upon condition that one quarter of the net proceeds be made over to the Pasha of Yemen. This is currently believed, and it is certain that *Shermarkie* has gone to *Hodeida* to consult with the Pasha on the subject.

Sir C. Wood.

R. L. PLAYFAIR.

No. 160.—Sir H. Bulwer to Lord J. Russell.—(Rec. December 26.)

MY LORD,

Constantinople, December 12, 1860.

WHILST the trade in black slaves is prohibited, the purchase of Circassians is still maintained.

As an order was issued during the war prohibiting their purchase in a particular spot, I took occasion the other day to see whether a wider extension could not be given to this order, and brought a case before *Aali Pasha*, of which I had been informed by *Mr. Calvert*. But His Highness replied by stating that the order was special, and for a special purpose, and that the purchase of white slaves was part of the law and custom of the country; and indeed, all the wives of the Sultan, and many of the wives of the Pashas, *Aali Pasha's* wife herself included, have been slaves, whilst some of the first men in the Empire, the Sultan's own brother-in-law, for instance, have also been originally purchased and brought up in the houses of the great dignitaries.

The position of the white slave in Turkey is in fact, in some respect, like that of an adopted child, and he or she is quite as frequently found in after life in the highest ranks as any person born free. The institution, moreover, is so blent with oriental manners that, however repugnant to our own notions, it would be almost impossible, even if it were beneficial, to change it. I thought it desirable, nevertheless, that your Lordship should know the exact state of the question.

I have, &c.

Lord J. Russell.

HENRY L. BULWER.

(*Inclosure.*)—*Précis of Firman and Vizirial Letters on Purchase of White Slaves.*

A FIRMAN was issued by the Porte in 1854 prohibiting the Trade in Slaves of Circassian and Georgian origin in the Province of *Batoum*.

Vizirial letters were at the same time addressed to the Pasha of *Trebizond* and to the Governors of *Djanick* and *Lazistan*, to prevent the introduction of such slaves by land into *Anatolia*, or their landing on any portions of the coast; and any infractions of these regulations were to be severely punished.

TURKEY (EGYPT).

CONSULAR.

*No. 162.—Consul-General Colquhoun to Lord J. Russell.**(Received June 6.)***(Extract.)***Alexandria, May 29, 1860.*

WITH regard to the Slave Traffic, we know it exists, but it is most carefully kept from public sight. Constituted as Egyptian life is, it is difficult, if not impossible, to prevent this evil; and, materially speaking, the slave is not the lowest or worst treated of the human race in this country. The traffic is here deprived of its worst and most revolting features, and, I believe I may say, that the energetic representations made by England have done much to render it less outrageous to humanity.

The Viceroy is certainly fond of his Nubian regiments, but these are rather conscripts than slaves, and the native of Soudan, once enrolled in the army, may be said to be raised in the scale of humanity. It is true, the mortality among them is very great, and they feel sensibly the change from their own climate near the Equator to the damp, mild one of Lower Egypt.

I shall probably return to this subject by next mail, if I can succeed in obtaining some information I am anxious to procure.

Lord J. Russell.

ROBERT G. COLQUHOUN.

*No. 163.—Consul-General Colquhoun to Lord J. Russell.**(Received June 20.)***(Extract.)***Alexandria, June 8, 1860.*

REFERRING to my despatch of the 29th May, I had charged my Secretary, Mr. Coulthard, who, from his having been several times up the Nile, has access to much information connected with the upper country, to collect any information respecting the Slave Trade in Upper Egypt.

Mr. Coulthard has embodied his facts in the report which I think it due to him to inclose herewith.

I would respectfully suggest that your Lordship should impress most strongly on Mr. Petherick the necessity for giving his best attention to the subject of the Slave traffic in Upper Egypt, as one to which Her Majesty's Government attaches the greatest importance, and which it is firmly resolved to suppress if it be possible; to insist that should any British subjects directly or indirectly be implicated in the traffic, he would be visited by the severest punishment in our power to inflict.

Lord J. Russell.

ROBERT G. COLQUHOUN.

(Inclosure.)—Memoranda on the Slave Trade as recently carried on at Khartûm, and along the course of the White Nile. (Sifted from the statements of late Travellers.)

In the winter of 1856-7, the present Viceroy undertook an expedition into Soudan, with a view of establishing friendly relations with its half-conquered and exasperated tribes, and effacing the painful impressions of Mahommed Ali's unfortunate expedition. The latter being only a slave-hunt on a large scale, it was found, afterwards, that the natives of those remote regions were less inclined than before to become peaceable and obedient subjects, and that the conquest was only nominal. The Viceroy, therefore, in conformity with the new spirit of reform, proclaimed at each point along his course, that slavery was henceforward abolished in his dominions; that his large armed forces would be withdrawn from Khartûm and the provinces; and that he hoped to gain the affections of the people still further by the more equitable system of taxes which he came to inaugurate. All these ameliorations were published in well-circulated decrees; but the general distrust was still so strong, that the Chiefs of the different tribes would not respond to the Viceroy's invitation to meet him personally at Khartûm. A certain good effect was produced by these proclamations, but, still, very partial as regards the Slave Trade, which, as far as we can judge, has been actively, though secretly, carried on ever since. Indeed, it is to be feared that the unavoidable accompaniments of a contraband Slave Trade far surpass, in humanity, the bad effects of the regular and recognized commerce. From all that we can learn, a nearly equal number of slaves seems to be annually imported into Egypt, with the only difference that, since the Viceroy's visit to Soudan, the commerce has required, and secured, the direct agency of Europeans—their means, and daring, and irresponsibility—for carrying it on. The immediate consequences are armed razzias, extensive bloodshed, and the diffusion of a general hatred of Europeans.

Some idea of these expeditions proceeding annually from Khartûm may be gathered from the following facts:

About 50 to 60 boats go up the White Nile every year, and each contains about 50 men. The latter are, with few if any exceptions, Berberis (from the more distant parts of Dongola), chosen by their employers for their desperate character, and well-paid and well-armed to support it. Of the whole number, about 40 boats are equipped by Copts and Arabs, the remainder belong to Europeans. These expeditions were originally made for the purpose of collecting ivory, dried hides, ostrich feathers, gums, senna, &c., from the black tribes, who, on their part received powder, bullets, muskets, iron bars, spirits, cotton, glass-beads, &c., in exchange. But this legitimate commerce has been at once superseded and rendered impossible by the practices

of Malzac and his imitators, who have shewn that the profits arising from the slave traffic are infinitely greater. In consequence of the violent and irregular character of these excursions, many sanguinary conflicts have occurred with the native tribes, who are now goaded on to attack, in turn, the so-called merchants or "Trooks" (i. e. Turks), of whom and their followers from 400 to 600 were slain in one year alone. These adventurers also work upon the avarice of the stronger tribes whom they dare not attack, and indirectly foment dissensions between them by purchasing the slaves captured in their wars. If the slave-catchers are strong enough in numbers to defeat the opposing body, and capture slaves, they sometimes allow the negroes to ransom their kindred, or their live-stock, by receiving ivory, &c., in exchange, and this is their safest way of turning their victory to good account; but, in most cases, as soon as a good supply of slaves has been secured, they proceed down the Nile to a place called Letkaka, on that river (28° E. Paris, 11° N.), in the tribe of the Shelooks. Here they are bartered to the Arab merchants of the tribe "Bakkara," for ivory collected in the mountain districts to the south of Darfour and Kordofan. Thence they are marched in a northerly direction, and reach the Nile near Ambukol, in Dongola (29° E. Paris, 18° N.) They then skirt the course of the Nile by Old Dongola, Handak, New Dongola, and Wady Halfeh—keeping at a careful distance from all the towns and villages. At Asswan, the frontier town of Egypt Proper, the slave-dealers charter boats for the ostensible purpose of freighting them with merchandize, such as gums, tamarinds, ostrich feathers, &c., and the captains of the boats receive instructions for the necessary rendezvous at certain villages or other points agreed upon, between Asswan and Edfoo. The poor slaves, who have by this time journeyed some 3 or 4 months on foot, under fatigues and privations to which a large part of their number fall victims, are here slipped stealthily on board the boats in the night, which immediately resume their downward voyage. The boats do not approach Cairo nearer than Toora, which is about 12 miles south of the town, and from that place the slaves are smuggled into the metropolis by night. About 3,000 to 4,000 are supposed to be imported every year in this way.

So few impartial travellers visit Khartûm that it is difficult to learn anything exact with regard to the persons actually engaged in slave-dealing. The following facts, as far as they go, are perfectly reliable, and may serve to indicate in some measure the class of persons, &c.

The whole European community at Khartûm consists of about 12 Frenchmen, 7 Italians, 5 Germans, and 2 or 3 Maltese. Of these, 2 Italians and 3 Germans are the surviving members of an Austrian mission. All the others are engaged in trade, and most of them are

directly or indirectly engaged in the Slave Trade. The means at the command of these Europeans enable them to organize many more expeditions than they can personally superintend.

The Austrian mission alluded to has been long established at Khartûm, and was apparently planned, from the first, for commercial and colonizing purposes, rather than the spread of religion (most of the members being simply skilled artisans); but, to their honour, the mission have never stooped so far as to engage in the Slave Trade. The head of this mission, Dr. Knöblicher, and 15 of his coadjutors have died at Khartûm, or elsewhere, since its first establishment. Indeed, the character of the climate is found to be so malignant, that the few surviving missionaries have resolved to remove their station, for the present, to Asswan, on the rocky border, between Egypt and Nubia. As a necessary consequence, a still more remote station of the Austrians at Gondocar, on the White Nile, near the Equator, has been finally abandoned. The Viceroy subscribed largely to this mission on his visit to Soudan, and made them a grant of land on the island of Philæ, where they wished to erect an establishment for acclimatizing their new members, school-teachers, artisans, &c.

It is but too probable, nay, almost certain, that the Turkish Governor of Khartûm may be included as directly conniving at, if not immediately concerned in, the trade. At Khartûm, slaves are bought and sold publicly, and without any attempt at concealment. These slaves are brought mostly from the mountain district of Denha (to the south of Sennaar), and from the province of Tahaly, to the south of Kordofan (28° E. Paris, 12° N.), but they are not in much esteem among purchasers; the only merit of the Denha slaves consists in their robust and vigorous make, and the natives of Tahaly are neither docile nor faithful. Galla slaves, vulgarly called "Abyssinian," are brought regularly to Khartûm from a great slave-market, Gallabat, a place to the north-west of Gondar.

By careful inquiries made in Cairo, it might not be difficult to ascertain the workings of the system there, to identify the persons connected with it, and discover their ways of proceeding. It is a matter of common notoriety that large numbers of slaves are regularly brought to that town and disposed of by sale—only the sale is not, as before, by public auction.

No. 164.—Consul-General Colquhoun to Lord J. Russell.

(Received December 20.)

MY LORD,

Alexandria, December 9, 1860.

I HAVE just received a despatch from the Acting-Consul at Massowah, Mr. Barroni, under date of 19th October; he incloses,

for my information, copy of a letter he had sent to Mr. Consul Stanley at Jeddah, on the subject of the traffic in slaves, which it appears the Kaimakam at Massowah connives at.

I shall write Mr. Barroni that I approve what he has done; and shall request Mr. Stanley to make the strongest remonstrance to the Mushir of Mecca on the conduct of his Kaimakam, and require that he should remove that officer, and take measures for the liberation of the slaves and their return to their country.

Copy of this despatch will be sent to Her Majesty's Ambassador, requesting his Excellency to move the Ottoman Government to convey instructions to the Mushir in the above sense.

Mr. Barroni, in his letter to myself, says he had received a letter from King Theodore, inviting him to meet the King on the 15th of December, at Awzayn, near Adowah.

I herewith inclose copy of Mr. Barroni's letter to Mr. Stanley, and of mine to Messrs. Barroni and Stanley.

I have, &c.

Lord J. Russell.

ROBERT G. COLQUHOUN.

(Inclosure 1.)—Mr. Barroni to Consul Stanley.

SIR,

Massowah, October 17, 1860.

I BEG to inform you that Pellool Efendi, the present Kaimakam of this district, in spite of orders which he received from his Excellency the Mushir of Jeddah, and of those issued from the Porte, and published in this island on the 8th of February last, in which it is stated that the Slave Trade is prohibited in this country, and that no caravans of slaves can enter Massowah or the neighbourhood; that neither the slaves who are in the hands of the people residing in this quarter, and other Sultan's dominions, can be sold or sent away to Jeddah, or to other ports and lands of the Red Sea,—from the beginning of his Governorship till to-day, he (the Governor) endeavours to favour, protect, and support this commerce.

On the evening of the 10th instant, 35 Galla slaves, male and female, coming from Arkeeco, Taga, and Embavvemy (villages near Massowah), on their arrival on the mainland of the port of Massowah, under the protection of 20 Arnaouts, who expected them there by order of this Governor, under the pretext of preventing smuggling of slaves, were sent by the same Arnaouts on small Arab boats, on board two baghlows anchored in this port, freighted by Sek Gabra (a man of great fame among the religious Mussulmans), which started from Jeddah on the morning of the next day. Also 10 slaves, of whom two, a eunuch and a Galla girl, were sold by Ali Ba Gennit, agent of Sek Abdallah Baamdoon of Holdeidah, to Yacoob Aga, the ex-Custom-House officer, for 220 dollars, were,

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by the consent of this Governor, sent on board of a barque freighted by Yacoob Aga himself, which set sail for Jeddah, together with the other baghows mentioned above.

I was informed of these occurrences only after the starting of the baghows, and, in consequence, I was not able to take any steps to prevent the mentioned smuggle. But as, according to a despatch from the Secretary of State for Foreign Affairs, dated 8th of December, 1857, his Lordship orders me to use my utmost efforts to prevent the Slave Trade under any pretext whatever, I cannot keep quiet on the present occasion, and am under the necessity of having recourse to your kindness and support, begging you to claim from his Excellency the Mushir of Jeddah the observance of the laws, and the respect due to the above-mentioned order received from his Lordship the Secretary of State; protesting, at the same time, against the illegal and despotical proceeding of this Governor, who must be punished, and immediately suspended from his functions as a Governor, and requesting of the Mushir of Jeddah that all the above-mentioned slaves be restored to their liberty, and sent back to their own country, to give an example to the population of this quarter, and to show to slave-merchants that the orders of the Sultan cannot be neglected or transgressed with impunity.

I trust that you will kindly, and with energy, support me in obtaining from his Excellency the Mushir of Jeddah all that I have humbly exposed in this note.

I have, &c.

G. E. Stanley, Esq.

R. BARRONI.

(Inclosure 2.)—*Consul-General Colquhoun to Consul Stanley.*

DEAR SIR,

Alexandria, December 10, 1860.

MR. BARRONI, Her Majesty's Acting-Consul at Massowah, has forwarded to me a copy of a letter he addressed to you, dated 19th October last, respecting certain acts of Slave Trade carried on from Massowah (or, rather, the mainland adjoining Massowah) to the eastern coast of the Red Sea.

I approve entirely the tenor of the despatch above referred to; it is written in a spirit highly becoming an officer of Her Majesty's Government, and I have no doubt you have already taken the necessary steps with the Mushir to remedy the evil. I think it, however, my duty to instruct you to wait upon the Mushir to tell him that the circumstances have been brought to my knowledge, and that you are desired by me to require from his Excellency the punishment, prompt and immediate, of Pellool Effendi, Kaimakam of Massowah, and that every endeavour should be made to procure the liberation of the slaves. You are aware how anxious Her Majesty's Government is to check this disgusting traffic in human flesh, and how resolved it is to visit with displeasure all and every person

implicated in it. Moreover, the moral effect which cannot fail to attend such disinterested action on our part must prove beneficial in strengthening our legitimate influence in those countries, and convincing the natives that, while we are desirous of giving to them the advantage of fair commerce, we are resolved to check a traffic which is a disgrace to humanity.

I have, &c.

G. E. Stanley, Esq.

ROBERT G. COLQUHOUN.

(Inclosure 8.)—Consul-General Colquhoun to Mr. Barroni.

SIR,

Alexandria, December 10, 1860.

MR. HOYER delivered me your letter of the 19th October, inclosing copy of one you addressed to Mr. Consul Stanley at Jeddah. I have much pleasure in expressing to you my entire concurrence in the sentiments expressed in that letter, which are highly creditable to you. I have instructed Mr. Stanley to use every endeavour to procure the liberation of the slaves, and to require from the Mushir of Jeddah the exemplary punishment of his Kaimakam at Massowah.

I have no information as to when Captain Cameron will proceed to his post. In the meantime, until he arrives, you will have the goodness to inform me of what is passing in your neighbourhood.

I have, &c.

R. Barroni, Esq.

ROBERT G. COLQUHOUN.

No. 165.—*Memorandum by Consul Petherick on Report of the Slave Trade at Khartoum by Mr. Coulthard, of Alexandria.*

4, Russell Place, Fitzroy Square, December 21, 1860.

I BEG in the most positive manner to state, that up to March, 1859, not one of the European residents at Khartoum, ever since my knowledge of them, was guilty of trafficking, directly or indirectly, with slaves; and the only probable reason for the statements imparted to Mr. Coulthard may have arisen from jealousy entertained by native traders against Europeans, or even similar feelings existing amongst themselves, stimulated by difference of nationalities.

Some few Arab traders might truly be accused of purchasing and even stealing slaves in several districts of the White Nile, and disposing of them to Arab traders for transport to Kordofan or Sennaar in the manner described, but the facts are greatly exaggerated.

The Cairo market, far from being supplied by this manner, is indebted for the greater number of its slaves purchased in L'Obeid, in Kordofan, emanating from Darfour, and the Bagara, nomade Arabs, inhabiting the southern districts of the province. Sennaar and Gellabat also contribute to the supply of negro and Abyssinian slaves; but the latter, during recent years, owing to the opposition

of Theodor, the Emperor, to the trade, have been considerably reduced in numbers. The razzias, the number of men engaged therein, and the victims, are also overdrawn.

I have heard it stated that a few Europeans, prior to my residence in the Soudan, did further slaves to the Cairo market; but since my knowledge of the country, they cannot justly be accused of selling slaves.

Owing to the peculiarities of the inhabitants among whom they reside, and their aversion to permit females in particular (and in Kordofan even the males) to enter into servitude, the only charge that can be legitimately brought against some of the European residents is, the purchase of slaves for domestic servants, but who in every case within my knowledge have been given their freedom; and when disagreements have arisen, they have been allowed to follow their own inclinations.

Mr. Colquhoun very justly states that, "constituted as Egyptian life is, it is difficult, if not impossible, to prevent the evil." Indeed the total abolition of slavery amongst a people long accustomed to the services of a multiplicity of domestics, who, according to the habits of Mahometans, cannot be obtained from their own community, can only be effected by an entire change in their social state, and must be a work of time.

If consistent and energetic means were resorted to, there is no doubt but that convoys of slaves, such as alluded to, from the Soudan, might be prevented entering Egypt by a simple order from the Viceroy to the Governors of Provinces to seize every man in charge thereof, and to prevent as much as possible the traffic in the Soudan. The measures put into practice in the years 1857 and 1858 by His Highness, punishing both purchaser and vendor, should be strictly re-enforced.

It is to be feared the recent increase of the traffic might be attributable in some measure to the Viceroy's augmentation of his body-guard.

The Nubian recruits to which Mr. Colquhoun alludes are in every probability slaves, either purchased through commissioned agents, or levied in the shape of a tax from the aborigines.

This system of recruiting has been the only method of obtaining supplies for the army, owing to the repugnance of the population of Soudan in general to serve.

J. PETHERICK.

No. 166.—Lord J. Russell to Consul Petherick.

SIR,

Foreign Office, December 31, 1860.

I HAVE received your letter of the 29th of November last, and also a memorandum dated the 21st instant, containing your obser-

ventions on the report forwarded to Her Majesty's Government by Her Majesty's Agent and Consul-General in Egypt, relative to the Slave Trade.

You are aware of the deep interest which Her Majesty's Government takes in the suppression of the Slave Trade, which is stated to be carried on in Upper Egypt, and the neighbourhood of the White Nile, and you have already been directed to use your best exertions to put a stop to it.

I think it right, however, again to call your attention to this matter, as well as to the system of razzias established by traders, whether European or native, resorting for purposes of commerce to the White Nile. Such a system must be productive of much misery and bloodshed, and if persisted in will inevitably put an end to all legitimate commerce.

I have accordingly to desire that you will use your utmost influence in order to put a stop to such razzias, and to establish the trade of the river on a satisfactory basis.

I have instructed Her Majesty's Agent and Consul-General in Egypt to communicate to the Egyptian Government the substance of the reports which have reached him relative to the Slave Trade in Upper Egypt, and the system of razzias carried on by the traders on the White Nile; and I have also directed him to urge His Highness the Viceroy to take energetic measures for the suppression of the slave traffic, and for the punishment of the parties engaged in it.

You will forward your reports on these matters to Her Majesty's Government under flying seal to Mr. Colquhoun, in order that he may be enabled at once to make such representations to the Government of the Viceroy as circumstances may appear to require.

I am, &c.

J. Petherick, Esq.

J. RUSSELL.

No. 167.—Lord J. Russell to Consul-General Colquhoun.

(Extract.)

Foreign Office, December 31, 1860.

I TRANSMIT to you herewith an extract from a report which I have received from Mr. Consul Petherick, relative to the Slave Trade, which is stated to be carried on in Upper Egypt.

I have instructed Mr. Petherick, who is about to return to Egypt, to report upon the system of razzias established by the traders, European as well as native, frequenting the White Nile, which is the cause of much misery and bloodshed, and must, if persisted in, put a stop to all legitimate commerce; and he is to use every endeavour to put a stop to, and to procure the punishment of the persons who may be engaged in it.

I have also to desire that you will bring to the notice of the Egyptian Government the substance of the reports which have reached you on this subject, and you will urge His Highness the Viceroy to take immediate and energetic measures for the suppression of the traffic in African slaves, and for the punishment of the persons engaged in and conniving at it.

You will further express the hope of Her Majesty's Government that means may be found for putting a stop to expeditions which, avowedly undertaken for the purposes of trade, are accompanied with systematic acts of violence directed against the tribes in the vicinity of the White Nile, and for carrying on the trade of that river on a more humane and satisfactory system.

R. G. Colquhoun, Esq.

J. RUSSELL.

UNITED STATES.

No. 169.—Mr. Elliot to Lord Wodehouse.

MY LORD,

Downing Street, March 30, 1860.

I HAVE laid before the Duke of Newcastle your Lordship's letter of the 17th instant, relative to the detention of the American brigantine *Jehossee* by Commander Fitzroy, of Her Majesty's ship *Falcon*, and the subsequent release of that vessel by order of Commander Bowden, of Her Majesty's ship *Medusa*, and with reference to the question proposed as to the limits of British jurisdiction in the waters of Quitta and the neighbouring African coast, I am directed by his Grace to request that you will state to Lord John Russell that the British Government possesses no jurisdiction in the waters or territory on that part of the coast beyond the range of the guns of the Fort of Quitta.

I am to add that the Governor of the Gold Coast will be instructed to call upon the Civil Commandant at Quitta for an explanation of the statement which he appears to have made to Commander Fitzroy, that British waters extend to Flowhow or Porourah.

I have, &c.

Lord Wodehouse.

T. FREDK. ELLIOT.

No. 171.—Lord Lyons to Lord J. Russell.—(Received April 23.)

MY LORD,

Washington, April 5, 1860.

IN my despatch of the 5th ultimo, I had the honour to report to your Lordship that I had communicated to General Cass your Lordship's despatch of the 6th February last, proposing that the Minister of The United States and the Diplomatic Representatives

of certain other Powers should meet in London, to consider what measures should be taken to check the increase of the Slave Trade.

I have now the honour to inclose a copy of a note which has been written to me by General Cass in reply to the communication. Your Lordship will perceive that while this Government is disposed to consider respectfully any views on the subject to which its attention may be called by Great Britain, it is not willing to depart on this occasion from the policy of The United States, which has been to avoid participation in councils or conferences of the nature of that proposed.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure.)—General Cass to Lord Lyons.

MY LORD,

Washington, April 3, 1860.

THE copy of the instruction from Lord John Russell to yourself of the 6th of February last, which was left some time afterwards at this Department by your Lordship concerning the alleged increase of the Slave Trade, and the employment "more and more" of United States' capital in that traffic, has been submitted to the President, and has engaged his attention. As I have within a few days addressed some remarks to Mr. Dallas upon topics embraced in that instruction, which will probably be communicated to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, I shall not repeat them here. If there has been any recent increase in that Trade, or any employment of American capital in its prosecution, of which employment I have seen no proof, this Government, not less than the Government of Great Britain, regrets this lamentable occurrence, and is prepared at all times to employ all the legal means in its power, so far as American citizens are concerned, for the prevention and punishment of such violation of our laws. It is undoubtedly true, as stated by Lord J. Russell, that a vessel sailing with regular American papers, whatever be her employment, is beyond the reach of search or capture by the naval force of any other Government. This immunity is an attribute of national sovereignty now universally recognized, and protects from sovereign jurisdiction all persons on board such vessels, whatever crimes against human life or human freedom they may have committed. It is not the less true that occasions may occur when heinous offenders may escape merited punishment in consequence of the inviolability assured to them by this principle of protection against arrest by any Power but that of their own country. The same thing may also happen upon land as well as at sea, and territorial jurisdiction may often operate to prevent punishment from overtaking the guilty. But in all these cases by universal assent the criminality of the action, and the disposition to be made of the

persons accused, depend exclusively upon the laws of the country within whose jurisdiction, whether territorial or maritime, the transaction may have taken place. The practical difficulty by which all right of foreign interference can be safely reconciled with this great principle of exemption upon the ocean or the land, is obvious and everywhere felt. Events which are now passing leave untouched the question of territorial interference, and limit the proposition for participation in the exercise of foreign power to the ocean. Such a divided police over their own vessels upon the great highway of the world, subjecting the freedom and security of their citizens and commerce to the will of any officer who may happen to command a foreign armed ship, is received with great repugnance by The United States. No plan has yet been proposed, nor is it easy to devise any by which their objection to it can be obviated. And I beg leave to remind your Lordship that this principle of exemption is carried so far in England that the proposition of The United States for granting to American and British Consuls the right to inquire into crimes alleged to have been committed at sea on board vessels of their respective nations, entering the ports of the other party, and to commit and send home for trial the persons found guilty, with a view to their punishment and to the prevention of crimes and cruelties to which the public attention has been so much directed, has been rejected. Such an arrangement has been made by The United States and France, and is in satisfactory operation.

But notwithstanding the difficulties I have suggested, I assure your Lordship that this Government is prepared to receive and respectfully to consider any proposition which the Government of Her Britannic Majesty may think proper to present, having in view the adoption of more efficient measures for the suppression of the Slave Trade.

Lord John Russell refers to the Treaty engagement into which Spain has entered with Great Britain for the total abolition of this traffic. As I have adverted to this subject in the despatch to Mr. Dallas already mentioned, I will merely remark here, what indeed is well known everywhere, that it is in the power of the Spanish Government to put a stop to this revolting employment, whenever it is seriously disposed to do so, by preventing the introduction of slaves into the island of Cuba. As that is the only mart in the world for their sale, if it were closed, the great object which so seriously engages the solicitude of Christendom would at once be attained.

The obligations which Spain has assumed upon this subject constitute a question as to their fulfilment between that country and England, in which I do not see how other nations can properly

interfere. As Lord John Russell remarks, the British Government has the right by its own means to enforce the observance of its Treaties with Spain upon the subject of the Slave Trade. If this cannot be effected without a resort to the extreme measure to which allusion is made, Great Britain must determine for herself what course she ought to adopt. I cannot believe that Spain, in view of the condemnation of her conduct by the world, and of the obligations under which she has voluntarily placed herself, would leave her American possessions open to this traffic, if once satisfied that Great Britain were determined, let the consequences be what they might, to enforce the observance of these conventional stipulations.

Under any circumstances, I cannot perceive that any practical advantage would result from the proposed assemblage in London of the Diplomatic Representatives of the Powers enumerated. Besides, it is the policy of The United States to avoid participation in councils or conferences of this nature, and the President thinks it would be inexpedient upon the present occasion to depart from this policy.

I renew, however, the assurance that this Government will receive in a proper spirit and respectfully consider the views referred to by Lord John Russell, should its attention be called to them by the Government of Great Britain.

With great respect,

Lord Lyons.

LEW. CASS.

No. 172.—Lord Lyons to Lord J. Russell.—(Received April 23.)

MY LORD,

Washington, April 5, 1860.

WITH reference to your Lordship's despatch of the 31st January last, and to my despatch of the 28th February last. I have the honour to transmit to your Lordship a copy of a note which I have received to-day from General Cass, and which states that it is not thought advisable to send to the east coast of Africa any part of the force employed by The United States for the suppression of the Slave Trade.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure.)—General Cass to Lord Lyons.

MY LORD,

Washington, April 5, 1860.

I HAVE had under consideration the memorandum left at this Department by your Lordship suggesting the expediency of detaching a part of our force employed in the suppression of the Slave Trade to the eastern coast of Africa, and I have conversed with the Secretary of the Navy upon the subject. Under existing circumstances, it has not been thought best at present to remove any of our vessels from the stations where they are now actively

employed to the more distant regions beyond the Cape of Good Hope.

I have, &c.

Lord Lyons.

LEW. CASS.

No. 173.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, April 28, 1860.

YOUR Lordship is aware that since the correspondence which took place in 1858 between Her Majesty's Government and the Government of The United States on the question of the right of visit, British cruizers have ceased to be stationed for the Slave Trade on the coasts of Cuba, and, as was to have been anticipated, the slave-traders, encouraged by the withdrawal of the British cruizers, and reckoning with too much reason on the connivance and venality of the Spanish authorities, have not failed to take advantage of this state of things, so that during the past year upwards of 30,000 slaves are stated to have been introduced into Cuba.

There is another circumstance which cannot fail to afford additional encouragement to the slave-dealers, and that is, the fact which would appear to have been established by a recent decision in The United States' law courts, viz., that United States' cruizers are not empowered to detain or capture, or otherwise to interfere with vessels engaged in the Slave Trade which may have no colours or papers to denote their nationality.

In my despatch of the 13th instant I instructed your Lordship to ask General Cass whether it was the intention of The United States' Government to take any steps to remedy this imperfection in The United States' laws, and I have now to acquaint you that Her Majesty's Government have it in contemplation again to station a few small cruizers on the Cuban coast, with the view to take advantage of such opportunities as may offer to frustrate the designs of the slave-traders.

Before doing so, however, it would be desirable that Her Majesty's Government should know to what extent The United States' Government would be willing to co-operate with Her Majesty's Government in establishing a joint system of cruising on the Cuban coasts, so that a British cruiser might accompany an American cruiser, and in the event of a slaver being fallen in with furnished with American colours and papers the American ship would capture her, and if she had no colours or papers she would then be lawful prize to the British ship.

A scheme of this nature, if properly carried out, could not fail to have good effect, both in suppressing the Slave Trade and in preventing the continued abuse of The United States' flag to cover that traffic.

I have accordingly to instruct your Lordship to take an opportunity of consulting General Cass with regard to this scheme.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 177.—Lord Lyons to Lord J. Russell.—(Received May 21.)

MY LORD,

Washington, May 7, 1860.

I HAVE the honour to inclose a copy of a note, in which, in obedience to the instructions contained in your Lordship's despatch of the 13th ultimo, I have called the attention of General Cass to the release of the slaver *Delicias*, on the ground that there is no Act of Congress under which a vessel taken without colours or papers can be prosecuted, and have asked whether any steps will be taken to remedy this defect in the law of The United States.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure.)—Lord Lyons to General Cass.

SIR,

Washington, May 4, 1860.

HER Majesty's Government have been informed that a brig called the *Delicias*, fully equipped for the Slave Trade, but without colours or papers to denote her nationality, was captured off Cabenda on the 21st December last, by The United States' ship *Constellation*. It appears, however, that the *Delicias*, together with her crew, has been discharged from custody in The United States, on the ground that there is no Act of Congress under which either vessel or crew can be prosecuted in the courts of law.

I am instructed to call the attention of The United States' Government to this matter, and to state that, as nearly all the slave-vessels on the African and Cuban coasts, when captured *in flagrante*, have neither colours nor papers to denote their nationality, it is a matter of considerable interest to Her Majesty's Government to know what course the Commanders of United States' cruisers will be authorized to take with regard to such vessels.

I am, moreover, directed to ask whether the Government of The United States deem it advisable to take any steps to remedy the imperfection which appears to exist in The United States' law, and which cannot fail materially to affect the efficient action of American cruisers for the suppression of the Slave Trade.

I have, &c.

General Cass.

LYONS.

No. 179.—Lord Lyons to Lord J. Russell.—(Received June 4.)

MY LORD,

Washington, May 21, 1860.

THIS morning, in obedience to the instruction given to me by your Lordship's despatch of the 28th ultimo, I took an opportunity of consulting General Cass with regard to establishing a system of joint cruising on the coast of Cuba. I pointed out that if a British and United States' vessel were to cruise in company, one or the other would be able to effect a legal capture of almost any slaver which might be fallen in with; and I observed, in particular, that this arrangement would obviate all difficulty with regard to such slavers as had American colours and papers, or were altogether without colours or papers.

General Cass said that he did not suppose that there could be in principle any objection to British and United States' ships cruising in company in the manner proposed, and he promised to consult the Secretary of the Navy on the practical expediency of adopting the measure.

The General then referred to my note of the 4th instant, in which, in obedience to your Lordship's orders, I inquired whether The United States' Government would deem it advisable to take any steps concerning the present state of the law with regard to slavers captured without colours or papers. He had, he said, consulted the Attorney-General, and had been assured that under the existing law vessels taken without colours or papers and shown to be American were undoubtedly liable to condemnation. The case did not, however, seem to be quite so clear with regard to foreign vessels under such circumstances. He added that he had not yet been able to find any record of the judicial decision regarding the *Delicias*, to which Her Majesty's Government had referred, but that he would write to procure information about it.

I said that I had myself written some days before to Her Majesty's Consul at Charleston requesting him to ascertain, if possible, and report to me all the particulars of the case, and I told the General that I would wait upon him again as soon as I received the Consul's answer.

I have, &c.

Lord J. Russell.

LYONS.

No. 182.—Lord Lyons to Lord J. Russell.—(Received June 11.)

MY LORD,

Washington, May 26, 1860.

WITH reference to my despatch of the 21st instant, I have the honour to inform your Lordship that General Cass authorized me this morning to report to you that the Government of The United States were considering the plan for establishing a system of joint cruising off the island of Cuba, and that they had every disposition

to give effect to the wishes of Her Majesty's Government on this subject.

General Cass said that, for his own part, he saw many advantages which would be derived from each cruiser of the one nation being accompanied by a cruiser of the other in the manner proposed. He said, however, that there were difficulties in the way, but that he nevertheless hoped that some mode might be found of practically effecting such an arrangement. The Cabinet, however, must (he added) take time to consider the question maturely.

I have, &c.

Lord J. Russell.

LYONS.

No. 183.—Lord Lyons to Lord J. Russell.—(Received June 11.)

MY LORD,

Washington, May 28, 1860.

I HAVE the honour to inclose two more copies of the Message from the President to Congress, relative to the capture of the slaver *Wildfire*, which I transmitted to your Lordship with my despatch of the 21st instant. The copies now sent are in a more convenient form and include some additional documents.

The Senate has passed a Bill sanctioning the arrangement respecting the disposal of captured negroes, which is proposed in the message.

It is hoped that this Bill will also pass the House of Representatives immediately. The matter is urgent; another captured slaver the *William* has already been sent into Key West, with 550 negroes on board, and the arrival of others is said to be daily expected.

I have the honour to inclose a copy of a message from the President announcing to Congress the capture of the *William*.

I have, &c.

Lord J. Russell.

LYONS.

(Inclosure 1.)—Message of the President of The United States, relative to the Capture of the Slaver Wildfire, on the Coast of Cuba, by Lieutenant Craven, of The United States' steamer Mohawk.

Washington, May 19, 1860.

To the Senate and House of Representatives,

ON the 26th day of April last, Lieutenant Craven, of The United States' steamer *Mohawk*, captured the slaver *Wildfire*, on the coast of Cuba, with 507 African negroes on board. The prize was brought into Key West on the 31st April, and the negroes were delivered into the custody of Fernando J. Moreno, Marshal of the southern district of Florida.

The question which now demands immediate decision is, what disposition shall be made of these Africans? In the annual message to Congress of December 6, 1858, I expressed my opinion in

regard to the construction of the Act of the 3rd March, 1819, "in addition to the Acts prohibiting the Slave Trade," so far as the same is applicable to the present case. From this I make the following extract :

"Under the second section of this Act, the President is 'authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of The United States of all such negroes, mulattoes, or persons of colour,' captured by vessels of The United States, as may be delivered to the Marshal of the district into which they are brought; 'and to appoint a person or persons residing upon the coast of Africa as agent or agents for receiving the negroes, mulattoes, or persons of colour delivered from on board vessels seized in the prosecution of the Slave Trade by commanders of The United States' armed vessels.'

"A doubt immediately arose as to the true construction of this Act. It is quite clear, from its terms, that the President was authorized to provide 'for the safe-keeping, support, and removal' of these negroes up till the time of their delivery to the agent on the coast of Africa; but no express provision was made for their protection and support after they had reached the place of their destination. Still, an agent was to be appointed to receive them in Africa, and it could not have been supposed that Congress intended he should desert them at the moment they were received, and turn them loose on that inhospitable coast to perish for want of food, or to become again the victims of the Slave Trade. Had this been the intention of Congress, the employment of an agent to receive them, who is required to reside on the coast, was unnecessary, and they might have been landed by our vessels anywhere in Africa, and left exposed to the sufferings and the fate which would certainly await them.

"Mr. Monroe, in his special message of 17th December, at the first session after the Act was passed, announced to Congress what, in his opinion, was its true construction. He believed it to be his duty under it to follow these unfortunates into Africa, and make provision for them there until they should be able to provide for themselves. In communicating this interpretation of the Act of Congress, he stated that some doubt had been entertained as to its true intent and meaning, and he submitted the question to them so that they might, 'should it be deemed advisable, amend the same before further proceedings are had under it.' Nothing was done by Congress to explain the Act, and Mr. Monroe proceeded to carry it into execution according to his own interpretation. This then became the practical construction."

Adopting this construction of President Monroe, I entered into

an agreement with the Colonization Society, dated 7th September, 1858, to receive the Africans which had been captured on the slaver *Echo* from the agent of The United States in Liberia, to furnish them, during the period of one year thereafter, with comfortable shelter, clothing, and provisions, and to cause them to be instructed in the arts of civilized life suitable to their condition, at the rate of 150 dollars for each individual. It was believed that within that period they would be prepared to become citizens of Liberia, and to take care of themselves. As Congress was not then in session, and as there was no outstanding appropriation applicable to this purpose, the Society were obliged to depend for payment on the future action of that body. I recommended this appropriation, and 75,000 dollars were granted by the Act of 3rd March, 1859 [the Consular and Diplomatic Bill], "to enable the President of The United States to carry into effect the Act of Congress of 3rd March, 1819, and any subsequent Acts now in force for the suppression of the Slave Trade." Of this appropriation, there remains unexpended the sum of 24,850 dollars 90 cents, after deducting from it an advance made by the Secretary of the Interior out of the judiciary fund of 11,348 dollars 10 cents.

I regret to say, that under the mode adopted in regard to the Africans captured on board the *Echo*, the expense will be large; but this seems, to a great extent, to be inevitable without a violation of the laws of humanity. The expenditure upon this scale for those captured on board the *Wildfire* will not be less than 100,000 dollars, and may considerably exceed that sum. Still it ought to be observed that during the period when the Government itself, through its own agents, undertook the task of providing for captured negroes in Africa, the cost per head was much greater than that which I agreed to pay the Colonization Society.

But it will not be sufficient for Congress to limit the amount appropriated to the case of the *Wildfire*. It is probable, judging from the increased activity of the Slave Trade and the vigilance of our cruisers, that several similar captures may be made before the end of the year. An appropriation ought, therefore, to be granted large enough to cover such contingencies.

The period has arrived when it is indispensable to provide some specific legislation for the guidance of the Executive on this subject. With this view, I would suggest that Congress might authorize the President to enter into a general agreement with the Colonization Society, binding them to receive, on the coast of Africa from our agent there, all the captured Africans which may be delivered to him, and to maintain them for a limited period upon such terms and conditions as may combine humanity towards these unfortunates with a just economy. This would obviate the necessity of making a new

bargain with every new capture, and would prevent delay and avoid expense in the disposition of the captured. The law might then provide that in all cases where this may be practicable the captor should carry the negroes directly to Africa and deliver them to the American Agent there, afterwards bringing the captured vessel to The United States for adjudication.

The capturing officer, in case he should bring his prize directly to The United States, ought to be required to land the negroes in some one or more ports, to be designated by Congress, where the prevailing health throughout the year is good. At these ports cheap but permanent accommodations might be provided for the negroes until they could be sent away without incurring the expense of erecting such accommodations at every port where the capturing officer may think proper to enter. On the present occasion these negroes have been brought to Key West; and, according to the estimate presented by the Marshal of the southern district of Florida to the Secretary of the Interior, the cost of providing temporary quarters for them will be 2,500 dollars, and the aggregate expenses for the single month of May will amount to 12,000 dollars. But this is far from being the worst evil. Within a few weeks the yellow fever will most probably prevail at Key West; and hence the Marshal urges their removal from their present quarters at an early day, which must be done in any event as soon as practicable. For these reasons, I earnestly commend this subject to the immediate attention of Congress. I transmit, herewith a copy of the letter and estimate of Fernando J. Moreno, Marshal of the southern district of Florida, to the Secretary of the Interior, dated 10th May, 1860, together with a copy of the letter of the Secretary of the Interior to myself, dated 16th May.

It is truly lamentable that Great Britain and The United States should be obliged to expend such a vast amount of blood and treasure for the suppression of the African Slave Trade, and this when the only portions of the civilized world where it is tolerated and encouraged are the Spanish islands of Cuba and Porto Rico.

JAMES BUCHANAN.

United States' Marshal's Office, Southern District of Florida.

SIR, *Key West, May 10, 1860.*

I HAVE the honour to inform the department of the arrival in this port, on the 30th ultimo, of The United States' steamer *Mohawk*, Lieutenant Commanding T. Augustus Craven, United States' Navy, having in tow the supposed American bark *Wildfire*, of New York, Stanhope, master, with a cargo of over 500 Africans on board. The *Wildfire* was captured on the 26th ultimo, on the coast of Cuba, near the port of Neuvas.

Immediately upon the arrival of the *Mohawk* here, Captain Craven informed me of the nature of her cargo, and desired that I should take possession of the captured Africans as early as possible. Having no means at that time at my command to secure them, I determined at once to erect temporary quarters on the lands of The United States, adjacent to Fort Taylor. I commenced work on the 1st instant, with all the available force that could be obtained on the island, and I am pleased to say that by the 4th instant, in the morning, almost 3 acres of land had been inclosed with a fence 6 feet high, and a building 140 feet long, and a kitchen erected, and were in readiness to receive them.

The landing of the Africans commenced about 12 o'clock, noon, on the 4th instant, and by 4 o'clock p.m. of that day 458 occupied the quarters hastily put up for them.

There had been landed previously, on the 1st instant, 49 sick, for whom I had obtained the use of the carpenter's shop near Fort Taylor, as a temporary hospital.

The total number, including men, women, and children, received by me, and for which I have given a receipt to Lieutenant Commanding Craven, is 507. I regret to say that of this number 15 have died since they were landed. There are at present under treatment in the hospital, about 35 sick, principally cases of diarrhœa. I have employed two of the most experienced physicians on the island to attend on the sick, and have also secured the services of competent nurses to wait upon them.

It is a matter of great surprise to me, that out of such a large number of human beings closely confined on board of a vessel, there should be so few sick. Those landed in good health are improving daily. I have furnished clothing to all of them, as they were in a nude state on board of the vessel. In addition to the quarters already built, I am having a building 75 feet long erected, for a hospital, and will be detached from the other. It will also be necessary to put up a small house for quarters for the guard employed within the inclosure, as it is hazardous for them to quarter in the same building with the Africans, owing to the prevalence of cutaneous diseases among the latter.

I am pleased to inform the department that I am under great obligations to Mr. James C. Clapp, civil engineer, and the agent in charge of Fort Taylor, for the valuable assistance rendered me by his advice in the erection of quarters, and for the use of materials and workmen furnished me from the fort for that purpose, all of which were promptly granted to me upon application, and without which much delay would have been occasioned in providing shelter for the Africans.

I am also under obligations to Captain John M. Brannan,
[1860-61. LI.]

United States' Army, commanding the post at this place, for the military guard and small field pieces which he has kindly furnished me upon my application. This guard consists of 6 men and a sergeant. The men are relieved every 24 hours, and have their quarters outside of the inclosure.

Captain Brannan has also tendered me the use of his whole command in case of emergency.

Within the inclosure I have a guard of 11 civilians, who perform duty day and night, and are absolutely necessary to direct and keep the Africans in good discipline. I have also in service a Spaniard, who was on board the bark *Wildfire*, and claims to have been a passenger on board that vessel. His services are invaluable to me in controlling these people. I have found no difficulty in providing food for the Africans, and trust to have none during the time they may remain here. The supply of water at present on the island is larger than usual at this season of the year, and I hope to experience no difficulty in supplying them with all they may require.

In making arrangements for the safe-keeping of these Africans, I will use all the economy within my power, and trust that the course which I have pursued thus far will meet with the approval of the President.

I am pleased to inform the department that the health of the island is good at present; but as the time is approaching when the yellow fever may be expected to make its appearance in our midst, I trust that the removal of the Africans from here will take place at an early day.

Inclosed I have the honour to hand you an estimate of the probable amount required to defray the necessary expenses of the captured Africans for the month of May.

The department will be pleased to direct all communications for me to be sent to Charleston, to come in the steamer *Isabel* on the 4th and 19th of each month, instead of the Fernandina route, which at this time is very irregular.

I am, &c.

Hon. J. Thompson,

FERNANDO J. MORENO.

Secretary of the Interior, Washington, D.C.

(Direct letters to the care of Mordecai & Co., Charleston, S.C.)

United States' Marshal's Office, Southern District of Florida,
Key West, May 10, 1860.

SIR,
THERE will be required to defray the expenses of Africans (captured by The United States' steamer *Mohawk*) for the month of May, 1860, the following amounts, viz.:

	<i>Dollars.</i>
For expenses of temporary quarters, mechanics, &c.	2,500
For food and clothing	7,000
For guards	700
For nurses in hospital	250
For medical attendance, medicines, &c.	1,550
	<hr/> 12,000

You will be pleased to cause a warrant to be issued in my favour for the above amounts (with which I am to be charged on the books of the Treasury Department), and direct that a draft on the Assistant Treasurer, New York, for the amount, be remitted to me at Key West.

I am, &c.

Hon. J. Thompson,

F. J. MORENO.

Secretary of the Interior, Washington, D.C.

SIR,

Department of the Interior, May 16, 1860.

I HAVE the honour to submit, for your information, a copy of a communication this day received from F. J. Moreno, United States' Marshal for the southern district of Florida, dated the 10th instant, officially reporting the landing of over 500 Africans from the slaver *Wildfire*, recently captured by the steamer *Mohawk* on the coast of Cuba, and stating that he now has them in his custody. He also reports the arrangements he has made for their support, clothing, medical attendance, &c., and urges their speedy removal from the country, as the season is rapidly approaching when the yellow fever may be expected to make its appearance at Key West. The Marshal asks an immediate remittance of the sum of 12,000 dollars, to meet the estimated expenses he is under the necessity of incurring on this account during the current month; and I respectfully recommend that you direct this to be done out of the appropriation made by the Act of 3rd March, 1859, to enable the President to carry into effect the Act of 3rd March, 1819, for the suppression of the Slave Trade (vol. 11 of Statutes at Large, page 404), to be accounted for by the Marshal in the usual manner.

Prior to the 9th May, 1859, advances were made from the judiciary fund to the extent of 6,947 dollars, which, since that date, have been increased to 11,348 dollars 10 cents, for expenses properly payable from the appropriation for the suppression of the African Slave Trade; and I have also to recommend that that amount be now transferred from the latter appropriation to the judiciary fund.

Very respectfully,

The President.

J. THOMPSON, Secretary.

(Inclosure 2.)—*Message from the President to The United States' Senate and House of Representatives, dated May 22, 1860, relative to the Capture of the William.*

Washington, May 22, 1860.

To The United States' Senate and House of Representatives,

I TRANSMIT herewith the copy of a letter, dated yesterday, from the Secretary of the Interior, communicating the copy of a letter addressed to him on the 13th instant, by Fernando I. Moreno, Marshal of the southern district of Florida. From this it appears that Lieutenant Stanley, of The United States' steamer *Wyandotte*, captured the bark *William*, with about 550 African negroes on board, on the south side of Cuba, near the Isle of Pines, and brought her into Key West on the 12th instant. These negroes have doubtless been delivered to the Marshal, and with those captured on board the *Wildfire* will make the number in his custody about 1,000. More may be daily expected at Key West; which, both on account of a deficiency of water and provisions, and its exposure to the yellow fever, is one of the worst spots for an African negro depôt that could be found on the coast of The United States.

JAMES BUCHANAN.

No. 187.—Lord Lyons to Lord J. Russell.—(Received July 9.)
(Extract.) *Washington, June 23, 1860.*

I HAVE the honour to inclose a copy of an Act of Congress approved by the President on the 16th instant, which makes provision for the return to the coast of Africa of negroes found on board slave-vessels, captured by United States' cruisers. The Act is in accordance with the recommendation made by the President in his message of the 19th ultimo, a copy of which was inclosed in my despatch of the 21st ultimo. It enables the President of The United States to enter with any persons or societies into a contract binding them to receive the captured negroes, and to provide them with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being put on shore on the coast of Africa. A sum of 250,000 dollars (about 51,000*l.*), is appropriated for applying the provisions of the Act to the negroes recently landed in Florida from captured slavers. The President will doubtless carry the Act into effect by sending the negroes to the Republic of Liberia, and by contracting for their support when there with the Colonization Society.

Lord J. Russell.

LYONS.

(*Inclosure.*)—*An Act to amend an Act entitled "An Act in addition to the Acts prohibiting the Slave Trade."*—Approved June 16, 1860.

BE it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that it shall and may be lawful for the President of The United States to enter into contract with any person or persons, society or societies, or body corporate, for a term not exceeding 5 years, to receive from The United States, through their duly constituted agent or agents, upon the coast of Africa, all negroes, mulattoes, or persons of colour, delivered from on board vessels seized in the prosecution of the Slave Trade by Commanders of The United States' armed vessels, and to provide the said negroes, mulattoes, and persons of colour with comfortable clothing, shelter, and provisions for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed 100 dollars for each person so clothed, sheltered, and provided with food: Provided, that any contract so made as aforesaid may be renewed by the President from time to time, as found necessary, for periods not to exceed 5 years on each renewal.

Sec. 2. And be it further enacted, that the President of The United States be, and he is hereby, authorized to issue instructions to the Commanders of the armed vessels of The United States, directing them, whenever it shall be practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there deliver to the agent or agents of The United States all negroes, mulattoes, and persons of colour delivered from on board vessels seized in the prosecution of the Slave Trade, afterwards bringing the captured vessels and persons engaged in prosecuting the Slave Trade to The United States for trial and adjudication.

Sec. 3. And be it further enacted, that the President of The United States be, and he is hereby, authorized to take immediate measures in his discretion, in accordance with existing laws, and with the provisions of the first section of this Act, for removing to the coast of Africa, and there providing with food, shelter, and clothing for a term not exceeding one year from the date of landing in Africa the captured Africans recently landed in the southern district of Florida, and that the sum of 250,000 dollars be appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated by law.

No. 190.—Lord Lyons to Lord J. Russell.—(Received July 29.)

MY LORD,

Washington, July 18, 1860.

WITH reference to my despatches of the 21st and 26th of May last, I have the honour to inform your Lordship that I had this morning some conversation with Mr. Trescot, the Acting Secretary of State, on the subject of the proposal made by Her Majesty's Government to establish a joint system of cruising off the coast of Cuba.

From what Mr. Trescot said, I have reason to fear that upon examining the question the Cabinet have discovered difficulties which, in their opinion, render it unadvisable for them to agree to the proposal.

Mr. Trescot said that he thought that the defect of the American law, which was urged as one of the reasons for British and American cruisers sailing in company, would not be found to have such serious consequences as had been apprehended. It was true, he observed that it had been decided in the case of the *Delicias*, that there was no Act of Congress applying to the case of a foreign vessel taken without papers or colours; nevertheless, such a vessel might, he thought, be confiscated under the common law or under the Law of Nations, and the District Attorney was, he believed, about to test this by further proceedings against the *Delicias*.

I have, &c.

Lord J. Russell.

LYONS.

No. 192.—Mr. Irvins to Lord J. Russell.—(Received August 27.)

MY LORD,

Washington, August 18, 1860.

MR. TRESCOT has addressed to me a note, a copy of which I have the honour to inclose herewith, in reply to the communication I had made to him of your Lordship's despatch of the 11th ultimo.

Mr. Trescot in this note gives the grounds upon which the President declines to accede to the proposals made by Her Majesty's Government with a view to the final extinction of Slave Trade. He says that The United States have no Treaty with Spain to enable their cruisers to capture slavers within Spanish waters, and that even if Spain would agree to such a Treaty, the President would not consider it compatible with the policy of non-interference, so long maintained by The United States, to propose it.

The President could not, for the same reason make any proposal to Spain to pass laws of registration and inspection, as a check upon the Slave Trade, and he is not of opinion that any such laws would prove efficacious.

Mr. Trescot concludes by stating that the President is opposed

to the introduction of Chinese coolies, as labourers, into The United States.

I have, &c.

Lord J. Russell.

W. DOUGLAS IRVINE.

(Inclosure.)—Mr. Trescott to Mr. Irvine.

SIR,

Washington, August 10, 1860.

I HAVE the honour to inform you that the despatch from Lord John Russell, dated the 11th July, 1860, which you read to me, and a copy of which you left at this Department, has been submitted to the President, with its accompaniments of printed documents relative to the coolie.

He has given the most careful consideration to the 3 propositions which you have been instructed to make. It is necessary to express in reply the perfect agreement between this Government and that of Her Britannic Majesty in their estimate of the character of the African Slave Trade. The action of the Government of The United States upon this subject has been so long continued, so consistent, and is so familiar to the civilized world, that I can properly refer to it as the clearest and strongest manifestation of its opinion. And I am instructed to say that the President learns with great pleasure from Lord John Russell's communication, that Her Britannic Majesty's Government can at length see with satisfaction the happy results of its efforts and sacrifices in the cause of humanity, and that the steady diminution of this illegal traffic is accompanied by a corresponding development of honourable and lucrative commerce on the coasts of Africa, which promises in the course of years to extinguish the Slave Trade in the most effectual manner. He regrets, however, that this agreeable prospect has been over-clouded by the fact also communicated, that this trade has again increased within the two last years, and that preparations are being made in the island of Cuba for prosecuting the trade on a most extensive scale, by means of an association. This intelligence is believed to be well founded. The President has long entertained the opinion that the African Slave Trade will never be suppressed whilst efforts for that purpose are confined to the pursuit and capture of slavers between the coast of Africa and the island of Cuba. To effect anything positive or permanent, the barracoons on the African coast must be broken up, and the slavers prevented from landing their cargoes in Cuba, or if landed the slaves must be followed into the interior, and set free from the purchasers. If, however, Her Britannic Majesty's Government shall think proper in its discretion to enforce the provisions of the Treaty with Spain referred to by Lord John Russell, by which the Spanish Crown undertook to abolish the Slave Trade, and accepted a sum of 400,000*l.* to enable it the more easily to do so, then, and not until then, in the Presi-

dent's opinion, will the African Slave Trade with the island of Cuba be abolished. But with this the Government of The United States has no right to interfere.

While, however, holding these general views, the President cannot give his assent to the propositions which have been submitted to him, for the following reasons, which I proceed to state in the order in which the propositions have been made:—

1st. A systematic plan of cruising on the coast of Cuba by the vessels of Great Britain, Spain, and The United States. To accede to this proposition would involve the necessity of a Treaty with Spain to enable the cruisers of The United States to enter the waters of Cuba within a marine league from shore. The Spanish Government, so far from having given any intimation that a violation of its sovereignty to this extent would be acceptable, has only recently made the strongest complaints to this Government against the cruisers of The United States, upon the alleged ground that they had captured slavers within Cuban waters. While, therefore, Great Britain has already acquired this right by Treaty, The United States does not possess it, and their cruisers would consequently be arrested in the pursuit of slavers as soon as they entered Spanish jurisdiction, whilst the cruisers of Great Britain and Spain could not only continue the pursuit until the slavers had landed, but could follow the slaves into the interior of the island. It is but proper, however, to say that while the President does not suppose that the Government of Spain would enter into an arrangement with The United States similar to its Treaty with Great Britain, he could not consent to any such arrangement, for it would violate the well-established policy of this country, not to interfere in the domestic concerns of foreign nations, not to enter into alliances with foreign Governments. This Government has maintained, and will continue to maintain, a naval force in the neighbourhood of Cuba for the execution of its own laws. It will to the utmost extent of its power put down this abominable traffic, and capture all American vessels, and punish all American citizens engaged in it. The success which has already attended our efforts near the coasts of Cuba prove that we have done our duty in this respect, and this at an enormous expense for the support of the captured Africans, for their transportation back to Africa, and for their liberal maintenance there during the period of a year after their return.

2nd. Laws of registration and inspection in the island of Cuba, by which the employment of slaves imported contrary to law might be detected by Spanish authorities.

After what has been said, it is necessary to state that the Government of The United States could not ask Spain to pass such laws of registration. But if this were otherwise, it is quite certain

that such laws would have no practical effect. For if Her Majesty's Government are well aware that the price of sugar and the demand for labour afford the slave-trader profits which enable him to corrupt the authorities, whose duty it is to thwart and defeat his criminal enterprises, and if joint stock companies are established at the Havana for the purpose of prosecuting the African Slave Trade, under the eye of the highest officials of the island, and with perfect impunity, it would be vain to expect that registrars throughout the country would counteract the policy of their superiors by faithfully performing their duty.

3rd. A plan of emigration from China, regulated by the agents of European nations, in conjunction with the Chinese authorities.

It is not probable that Lord John Russell expected this Government to unite in forming such a plan of emigration from China. For if he had entertained this idea, he would scarcely have omitted the agents of The United States from any participation in its regulation. Nor can the President share in the anticipation of Her Britannic Majesty's Government that the coolie trade can be put on any such footing as will relieve it of those features of fraud and violence, which render the details of its prosecution scarcely less horrible than those of the middle passage. And he is of opinion that it would exert a most deleterious influence upon every portion of this country to import into it Chinese coolies as labourers. In the States where the institution of domestic slavery exists, these heathen coolies would demoralise the peaceful, contented, and orderly slaves, very many of whom are sincere Christians. And in the Free States they would be brought into competition with our respectable and industrious labourers, whether of native or foreign birth, who constitute so large a portion of our best citizens.

I avail, &c.

W. D. Irvine, Esq.

WM. HENRY TRESCOT.

No. 193.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, September 8, 1860.

I INCLOSE, for your Lordship's information, the accompanying copy of a letter from Commodore Edmonstone, which has been communicated to this department by the Admiralty, reporting the good understanding which exists between that officer and Commodore Inman, the officer in command of The United States' squadron on the west coast of Africa.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 194.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, September 10, 1860.

I HAVE received Mr. Irvine's despatch of the 13th ultimo, inclosing the reply of The United States' Government to the proposals which you were instructed to make to that Government with the view to the final extinction of the Slave Trade.

Her Majesty's Government regret to find that those proposals have not met with the assent of the President, but they are not without hope that the Government of The United States, if unable from reasons of State policy to join with Her Majesty's Government in proposing measures to Spain for suppression of the Cuban Slave Trade, will still take effective steps to prevent that traffic from being carried on in United States' vessels, and under The United States' flag.

The United States' newspapers have recently published two lists, of which I inclose copies, one of which contains the names of 85 vessels that have fitted out and sailed from American ports within the last 18 months to be employed in the African Slave Trade, and the other contains the names of 28 vessels that have landed their cargoes in Cuba, conveying probably not less than from 12,000 to 15,000 Africans to that island.

Her Majesty's Government have every reason to believe that so far from the above lists being exaggerated, the number of vessels actually engaged in the Slave Trade under the American flag considerably exceeds that given in the lists in question, and a large proportion of the vessels named have been actually met with by British cruisers on the African coast under circumstances that left no doubt as to the illegal traffic in which they were about to be engaged.

Her Majesty's Government do not press the proposition that cruisers of Great Britain and The United States should cruise in couples, or indeed any special mode of cruising, but it appears to them that two such Powers as Great Britain and The United States ought to be able to prevent the landing of two-thirds or three-fourths of the slaves that are imported into Cuba, and thus cause the slave-dealers to abandon the traffic. The want of a Slave Trade Suppression Treaty between The United States and Spain no doubt weakens the action of United States' cruisers, while, on the other hand, though Great Britain has a Slave Trade Suppression Treaty with Spain, yet the free use of the American flag by the slavers equally paralyzes the action of British cruisers; and on this point Her Majesty's Government wish to submit to the enlightened judgment of the President and General Cass, that if the national regard of The United States for the honour of their flag is so great as to prevent an effectual destruction of the Slave Trade by British

cruizers, it is incumbent on The United States to take measures of their own which, if vigorously pursued, may extirpate a traffic condemned many years ago by the legislation of the Republic, and repugnant to every feeling of humanity.

Before concluding this despatch, I would wish, with reference to that part of Mr. Trescot's note in which he states that the introduction of heathen coolies from China into The United States would demoralize the peaceful, contented, and orderly slaves in the southern States, and in the free States would bring those coolies into competition with respectable and industrious labourers, to observe that Her Majesty's Government never contemplated the introduction of Chinese into The United States nor supposed that African slaves were habitually or frequently imported into The United States.

What Her Majesty's Government proposed was, that Chinese labourers should be introduced into Cuba as a substitute for African negroes, but Her Majesty's Government would remark that Chinese labourers have been introduced in considerable numbers into the British West Indies and into the island of Mauritius, without producing any of the evils and inconveniences which Mr. Trescot anticipates as likely to arise from them if they were introduced into The United States.

You are instructed to read this despatch to General Cass, and to leave a copy of it with him.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 195.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, September 22, 1860.

YOUR Lordship has been informed that Her Majesty's Government contemplated sending some vessels of light draught of water off the coast of Cuba, with a view to the suppression of the Slave Trade, and that they had hoped that the American Government would be disposed to allow the commanders of United States' ships of war on the same coast to act in concert with Her Majesty's vessels. It appears, however, that the Cabinet of Washington object to any such system of joint cruising.

In the meantime it is quite evident from the information which has reached Her Majesty's Government, and General Cass is also well aware of the fact, that the employment of American vessels in the Slave Trade is daily increasing; and without questioning the grounds on which The United States' Government have deemed it right to decline their proposal, Her Majesty's Government think that the intention of the Cabinet of Washington to do their utmost to check such practices might be more effectually carried into effect

if the number of cruisers under the flag of The United States off the coast of Cuba were increased.

Her Majesty's Government understand that the number at present employed is only 4, and it appears to Her Majesty's Government, that if The United States' Government could make it consistent with the other demands on their naval service to double that number, much advantage would result from such an arrangement.

Her Majesty's Government are indeed aware, although they are satisfied that such a consideration would not be allowed to weigh against the important object of suppressing the Slave Trade, that some inconvenience and expense would be thrown upon The United States, if the efforts of the American cruisers for the suppression of the Slave Trade were to place at the disposal of that Government a large number of rescued Africans. The American Government might have no immediate means of disposing of those persons, and the expense of transporting them to the African coast might be considerable. Such difficulties are not felt by Her Majesty's Government, as the British colonies in the West Indies offer a free asylum and remunerative employment to negroes emancipated from slavery by Her Majesty's cruisers, if they think proper to avail themselves of it; and Her Majesty's Government can only say, that if those difficulties would be obviated by throwing open the British colonies for the reception of negroes emancipated by American cruisers, in the same manner in which those colonies are now available for the reception of negroes emancipated by British cruisers, Her Majesty's Government would very readily acquiesce in any arrangement to that effect.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 196.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, September 22, 1860.

THE attention of Her Majesty's Government has been called to a statement which has appeared in several of the American newspapers, to the effect that The United States' cruiser *Crusader* had captured a slave brig on the afternoon of the 23rd of July last, at anchor off Anguilla, one of the British Bahama islands. No official communication has yet been received from the Government of the Bahamas respecting this capture, but it will, nevertheless, be right that you should acquaint General Cass that the attention of Her Majesty's Government has been called to the circumstance.

You will state that in point of international law The United States' cruiser had no right to capture a vessel within British jurisdiction off the Island of Anguilla, but that Her Majesty's Govern-

ment make no complaint of what was done, because it was an act tending to the suppression of the Slave Trade, an object which Her Majesty's Government have greatly at heart; and Her Majesty's Government mention the matter, as they now do, only in order to prevent such an act from being deemed to be a precedent, setting aside or detaching from the fulness of the territorial right of Great Britain.

I am, &c.

Lord Lyons.

J. RUSSELL.

No. 199.—Mr. Irvine to Lord J. Russell.—(Received October 29.)

MY LORD,

Washington, October 13, 1860.

IN compliance with the instructions contained in your Lordship's despatch to Lord Lyons of the 22nd ultimo, I have informed General Cass that the attention of Her Majesty's Government has been called to a statement in the American newspapers that the American cruiser *Crusader* captured a slave brig at anchor off Anguilla, one of the British Islands in the West Indies.

General Cass, in reply, showed me a short despatch which had been received at the Navy Department from the captain of the *Crusader*, dated off Anguilla, and stating that a brig had been captured, from which Spanish boats had carried away slaves; that he had sent the brig to New York; and he adds, in a postscript, that three African boys were found in her hold. General Cass said that he had no ground for supposing that the capture had been made in British waters, but that if I wished it he would immediately cause an inquiry to be made.

I replied that I was not instructed to make any complaint, because, even if the facts were as stated in the newspapers, the act of the captain of the *Crusader* had tended to the suppression of the Slave Trade; but that I was instructed to mention the matter, in order to prevent such an act from being deemed precedent detracting from the territorial rights of Great Britain.

General Cass repeated his former statement that he did not believe that the capture had been made within British jurisdiction; and said that if it had been he should be the first to condemn such conduct on the part of a ship-of-war of The United States.

I have, &c.

Lord J. Russell.

W. DOUGLAS IRVINE.

No. 200.—Mr. Irvine to Lord J. Russell.—(Received November 5.)

MY LORD,

Washington, October 23, 1860.

AT an interview which I had on the 12th instant with General Cass, I spoke to him on the subject of your Lordship's despatch of

the 22nd ultimo, and expressed to him, as nearly as possible in the terms of your Lordship's despatch, the opinion of Her Majesty's Government that, in order to check the employment of American vessels in the Slave Trade, The United States' Government would do well to increase the number of their cruisers off the Coast of Cuba.

I also intimated to the General that, although Her Majesty's Government were satisfied that such a consideration would not be allowed to weigh against the important object of suppressing the Slave Trade, they were aware that the Government of The United States would be exposed to some inconvenience and expense if a large number of rescued Africans were thrown upon their hands by the efforts of American cruisers; and that, therefore, Her Majesty's Government would readily acquiesce in an arrangement by which the negroes emancipated by American cruisers might share in the free asylum and remunerative employment offered to negroes emancipated by Her Majesty's cruisers in the British Colonies in the West Indies.

With respect to the number of American cruisers employed off the Coast of Cuba, General Cass remarked that until lately as many as 8 small steamers had been employed off the Coast of Cuba, but that The United States' Government had found it expedient to remove half of these vessels for temporary service in the Gulf of Mexico; but that as soon as they should be found no longer necessary in their present station, he had no doubt they would be sent back to the Coast of Cuba.

With respect to the proposal of throwing open Her Majesty's Colonies in the West Indies for the reception of negroes emancipated by American cruisers, General Cass said that he would mention the subject to the President, and inform me of his reply, but that he felt sure that The United States' Government could not take advantage of the offer.

At an interview which I had with General Cass this morning the General informed me that the President had stated that he could not contemplate any such arrangement as that which I had suggested in my previous conversation.

I asked if no reason could be given me for this decision, and was informed that it was not considered necessary to enter into any explanation on the subject. I have, &c.

Lord J. Russell.

W. DOUGLAS IRVINE.

No. 201.—Mr. Irvine to Lord J. Russell.—(Received November 12.)
 MY LORD, *Washington, October 27, 1860.*

I HAVE the honour to inclose herewith to your Lordship copy of a note which I addressed on the 16th instant to General Cass, and

in which, in accordance with the instructions contained in your Lordship's despatch to Lord Lyons of the 29th ultimo, I applied to The United States' Government for copies of the registers of United States' vessels for the guidance of Her Majesty's cruisers on the African coast.

I have likewise the honour to inclose a copy of the reply of General Cass, in which he informs me that The United States' Government is of opinion that to give copies of the registers of United States' vessels, would not afford the advantages suggested, and would not be practicable under the present constitution of the Department which now superintends the execution of the navigation and maritime laws of The United States.

I have, &c.

Lord J. Russell.

W. DOUGLAS IRVINE.

(Inclosure 1.)—Mr. Irvine to General Cass.

SIR,

Washington, October 16, 1860.

FROM reports received from the officer in command of Her Majesty's ships on the coast of Africa for the suppression of the Slave Trade, Her Majesty's Government have been informed that a large number of suspicious vessels on that coast carry American colours, although they have no claim to American nationality.

It would, therefore, much facilitate the operations of British cruisers employed in that service if they had some sure criterion by which to ascertain whether such vessels belong to the country whose colours they carry, and it has been suggested that this would be supplied if British cruisers on the African coast were furnished with copies of the registers of American vessels.

I have, therefore, received instructions from Her Majesty's Principal Secretary of State to apply to The United States' Government for copies of the registers of American vessels for the guidance of Her Majesty's cruisers on the coast of Africa.

I have, &c.

General Cass.

W. DOUGLAS IRVINE.

(Inclosure 2.)—General Cass to Mr. Irvine.

SIR,

Washington, October 25, 1860.

I HAVE the honour to acknowledge the receipt of your note of the 16th instant in which you "apply to The United States' Government for copies of the registers of American vessels for the guidance of Her Majesty's cruisers on the coast of Africa."

I have submitted your application to the consideration of the

President, and am instructed to say, in reply, that with every desire to facilitate the object proposed by the two Governments in their joint engagement to keep cruizers on the coast of Africa for the suppression of the African Slave Trade, this Government is of opinion that such a proceeding would not afford the advantages suggested, would lead in all probability to controversies as to the character of suspected vessels, which had better be avoided, and would not be practicable under the present constitution and administration of the Treasury Department, the department which at present superintends the execution of the navigation and maritime laws of The United States.

I avail, &c.

W. D. Irvine, Esq.

LEW. CASS.

No. 204.—Lord J. Russell to Lord Lyons.

MY LORD,

Foreign Office, December 15, 1860.

Mr. DALLAS has read to me a despatch from General Cass, dated the 27th of October last, of which I inclose to your Lordship a copy taking exception to the communications which Her Majesty's Government have felt it their duty lately to address to the Cabinet of Washington on the subject of the abuse of the American flag for Slave Trade purposes.

I confess that I heard this despatch with some surprise.

Mr. Dallas is requested to remind me "that while The United States are anxious for the suppression of the Slave Trade, and are taking efficient measures to prevent their citizens from engaging in it, they have great national rights, essential attributes of their independence, in the exercise of which they will not suffer any other Power to participate, and among these is the jurisdiction over their own vessels upon the ocean."

Now, as Great Britain has never pretended to deny this right, or to set up a jurisdiction over the vessels of The United States, which the Government of The United States were not willing to concede, this assertion seems to Her Majesty's Government unnecessary.

But when General Cass seems desirous, as he appears to be in the latter part of this despatch, to impose silence on the British Government upon a subject in which the cause of humanity is closely interested, he proposes a state of relations which Great Britain cannot sanction by her consent.

In 1806 Great Britain abolished her own Slave Trade.

In 1814, and at subsequent periods, she has urged the consideration of this subject upon the Powers of Europe collectively and separately. They have all admitted, both in word and deed, that it

is a fair subject for international representation and international treaty.

Her Majesty's cruisers on the coast of Africa observe vessels sailing under the American flag fitted up for the conveyance of slaves from Africa to Cuba; our Consuls in The United States report on the sailing of vessels intended for Slave Trade for Africa and the Havana; and Her Majesty's Consul-General at Havana reports the arrival at the island of Cuba of numerous vessels under the American flag laden with slaves.

In these circumstances Her Majesty's Government cannot consent to the condition of perpetual silence which General Cass wishes to impose upon them. They hold it to be a duty to speak the truth to The United States, even though it prove unpalatable. Whenever, therefore, they think it necessary to make representations they will do so, but they will do so in that tone of respect for a great, free, and friendly nation which they sincerely feel.

You will read this despatch to General Cass, and give him a copy of it.

I am, &c.

Lord Lyons.

J. RUSSELL.

(Inclosure.)—General Cass to Mr. Dallas.

SIR,

Washington, October 27, 1860.

MR. IRVINE, the Chargé d'Affaires of Her Britannic Majesty, has read to me, agreeably to the instructions of Lord John Russell, a despatch from his Lordship to Lord Lyons, dated September 10, 1860, and has left a copy of it at this department.

This despatch relates to the African Slave Trade, and presents to this Government some general considerations connected with it, which more than once have been brought to its attention. I do not propose to renew a discussion which it is not probable would change the views of either of the parties. But there are some statements and remarks which I am unwilling to pass by without observation, and to which I shall briefly refer.

I request you would remind Lord John Russell of what indeed has been heretofore made known to the British Government, that while The United States are anxious for the suppression of the Slave Trade, and are taking efficient measures to prevent their citizens from engaging in it, they have great national rights, essential attributes of their independence, in the exercise of which they will not suffer any other Power to participate, and among these is the jurisdiction over their own vessels upon the ocean. A divided sovereignty, territorial or maritime, in its use or abuse, may be fraught with consequences which their history teaches them to avoid.

In the despatch of Lord John Russell I perceive he refers to the
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American flag as if it were contended that that national ensign afforded protection to the vessel bearing it. I beg you to assure his Lordship that this country advances no such pretension. The immunity of a vessel upon the ocean depends upon her national character, to be ascertained, if contested, by her papers, and, if need be, by other circumstances, but not by the flag under which she sails. If a foreign cruiser boards a vessel with American colours, and she proves not to belong to this country, we have no right to complain of her examination or capture. But if her papers justify the assumption of the flag, and she is actually an American vessel, then a trespass has been committed by such cruiser, for which the Government to which it belongs is responsible; and the act itself will be more or less condemnable as the circumstances leading to it are of a character to justify suspicion or to repel it, and as the conduct of the boarding party is more or less offensive or injurious.

There may have latterly been some increase of the Slave Trade, as Lord John Russell supposes; I fear, indeed, there has been: but I have strong reasons for believing that the number of American vessels, not vessels sailing under the American flag, engaged in the traffic, has been greatly overrated. The evidence to which Lord John Russell refers in support of the lists which are furnished of the names of vessels employed in this business is of a very unsatisfactory character—anonymous statements made by letter-writers in the newspapers, which scarcely justify the assumption of the facts, stated as the basis of a diplomatic representation. It is added, however, I presume in corroboration of these statements, that a large portion of the vessels named have been actually met with by British cruisers on the American coast, under circumstances that left no doubt as to the illegal traffic in which they were about to be engaged. I am strongly inclined to think that the conclusion respecting the illegal character of the voyages of these vessels, or of many of them at least, must have been arrived at very willingly by the persons from whom the information was derived, and without much evidence in its support. British cruisers may have met on our coast, and outward bound, which they must have been if they were about to be engaged in this traffic, a large proportion of the 111 vessels enumerated by name; but in what manner the trade for which they were destined could be ascertained, at least without boarding them, I am at a loss to conjecture. And it is not to be supposed that they could have been entered by a foreign armed force off our coast, and the Government remain in ignorance of such violence.

Upon the receipt of Lord John Russell's note, I had some conversation with Mr. Helm, accidentally in Washington, our intelligent Consul-General at Havana, who, from his local and official position, has very favourable opportunities for procuring

correct information upon this whole subject, and he assured me that no such number of American vessels were engaged in this traffic, and that they were overrated by more than one-half, and so with respect to the numbers said to have succeeded in landing their slaves. In my despatch to you of March 31, 1860, a copy of which I requested you to send to the Foreign Office, I communicated some important information upon this subject, which I owed to the same authority, and which showed the great exaggerations which accompany these statements, and by which public functionaries are misled. It is his conviction that almost none of the capital employed in this nefarious traffic belongs to American merchants, but nearly the whole of it to foreigners; and I have no doubt but that, although much the larger portion of it is supplied by the Island of Cuba, still very few commercial countries are entirely free from its participation.

One of the most intelligent and experienced officers in our navy has observed to me in conversation upon this subject, that Consuls and other officers whose duty it is to report to Her Britannic Majesty's Government the condition of the Slave Trade, and the number of vessels engaged in it, naturally desire to furnish evidence of their vigilance, and they therefore do not investigate the facts with as much care as would otherwise be employed, and vessels are consequently reported as slave-traders upon mere rumours, and, in suspected latitudes, there are few that escape the suspicion; and thus it happens that lists are circulated which give very erroneous impressions respecting the extent of these hazarding adventurers.

Lord John Russell remarks in the despatch under consideration, "that if the national regard of The United States for the honour of their flag is so great as to prevent an effectual destruction of the Slave Trade by British cruizers, it is incumbent on The United States to take means of their own, which, if vigorously pursued, may extirpate a traffic condemned many years ago by the legislation of the Republic, and repugnant to every feeling of humanity." I do not understand how this conclusion is legitimately reached. I do not perceive that because The United States are not disposed to suffer their vessels at sea to be entered and searched by the armed force of other Powers, but choose to maintain the immunity from foreign jurisdiction which is secured to them by the law of nations, this adhesion to their rights imposes upon them any additional obligation, either with regard to the Slave Trade or to any other object of pursuit, legal or illegal, or makes it the more incumbent on them to adopt more vigorous measures for any purpose whatever.

The Slave Trade is justly condemned by the united voice of Christendom; but the part which any State will take in its suppression depends exclusively upon itself. If a State enters into Conven-

tional stipulations with another Power, by which it engages to employ its naval force for that purpose, it, of course, becomes its duty, during the existence of such engagement, to furnish and employ in good faith the means it has undertaken to provide.

The United States and Great Britain have contracted this mutual obligation, and this country is not only faithfully fulfilling its engagements, but is going much beyond them. A more efficient squadron is employed in the African seas than is required by Treaty; and as 4 of the vessels upon this service are steamers, while they are far better adapted to the purpose, they are maintained at a greatly increased expense. At the same time we have, in addition, a squadron of armed steamers in the Cuban waters, for which there are no Treaty stipulations, occupied in the same work of suppression. And the success attending the operations of both these squadrons is an honourable testimony to the zeal and energy of our navy, and to its desire to carry into effect the instructions of the Government, though engaged in a most unpleasant and exposed duty.

The right of Great Britain to make representations to the Government to The United States at any time it may be believed that the American squadron is not kept up, or employed agreeably to the requisitions of the Treaty is fully conceded. But, with our Conventional duties, the right of interference ceases. What our moral duties demand of us is a subject for our own exclusive consideration. Very different opinions will often be formed by different nations of the policy they ought to adopt under given circumstances. But if each of them should assume the right to pass judgment upon the proceedings of the other, and to make its own views the subject of diplomatic representations, it is not difficult to foresee the unfortunate consequences which would result from such intervention.

I beg you would call the special attention of Lord John Russell to this matter, and to assure him, as the Foreign Office has been assured more than once before, that these diplomatic suggestions are as unnecessary as they are unacceptable, and to express the hope this Government entertains that similar appeals will not again be repeated. And, in connection with this topic, you will please also reiterate to his Lordship the assurance heretofore given that, while The United States are at all times ready to receive and consider any proper suggestions connected with this traffic, not already sufficiently discussed, yet it is felt that the subject, with its extensive ramifications, is pressed too often upon the attention of the Government, as though it needed these repeated representations to stimulate its action, or to teach it its duty.

You are requested to call upon Her Britannic Majesty's Prin-

Principal Secretary of State for Foreign Affairs, and leave with him a copy of this letter.

I am, &c.

G. M. Dallas, Esq.

LEW. CASS.

LAW of the Congress of New Granada, authorizing the Executive Power to allow the Exploration of the Isthmuses of Panama and Darien, and to conclude a Contract for the Excavation of a navigable Canal between the two Oceans.—Bogotá, May 6, 1859.

(Translation.)

THE Congress of the Granadian Confederation decrees:

ART. I. The Executive Power is authorized to allow and to facilitate, as far as it rests with him to do so, the exploration of the Isthmuses of Panamá and Darien by those who wish to explore them for the purpose of finding and determining the most suitable line for the excavation of a navigable canal between the two oceans.

II. He is also authorized, after hearing the proposals of the Companies and individuals who are willing to undertake the excavation of the canal, to contract for its execution with the Company that may offer the best securities for completing it, and the greatest advantages for the Confederation, and for the commerce of nations in general.

III. If the concessions to be stipulated in the contract should not exceed those sanctioned by the law of 1st June, 1852,* which gives exclusive privilege for opening a canal between the gulf of San Miguel and the bay of Caledonia, the contract which is entered into will not need the subsequent approval of Congress; but if the concessions should exceed those sanctioned, or if the advantages stipulated in favour of the Confederation, should be inferior to those reserved to the Republic by the said law, the contract must be submitted for the approval of Congress.

Given at Bogotá, 6th May, 1859.

MANUEL JOSE ANAYA, *President of the Senate.*

J. A. MARROQUIN, *President of the Chamber of Representatives.*

Bogotá, May 6, 1859.

Let this be executed.

MARIANO OSPINA, *President of the Confederation.*

M. A. SANCLEMENTE, *Secretary for Home Affairs and War.*

DECREE of the Governor of Paraguay, declaring that all who are born in the Territory of the Republic are Paraguayan Citizens.—Assumption, July 10, 1856.

(Translation.)

THE Supreme Government of the Republic considering :

1. That all the nations of the civilized world consider and treat all who are born in their territory as their subjects and citizens.
2. That this principle obviates the inconveniences attendant upon denaturalization and the consequent exoneration from the duties and charges to which every citizen is liable.
3. That to admit and acknowledge that those who are born in the Republic of foreign parents, are to follow the nationality of their parents, would be to grant a privilege very prejudicial to the Republic, and which could not be conceded to one foreign Power, without the others claiming a like privilege for their subjects, which must either be granted or refused ; the result being, that in the first case, so many other nationalities or foreign States would in a few years be established in the Republic, beyond the authority and jurisdiction of the Government of the Republic ; and in the second case to refuse it to other nations after having granted it to one, would be to violate the principle which the Government has established by its Decree of 20th May, 1845,* that is, to maintain perfect equality with all the nations with which it should have to treat, without granting favours to one which should not be common to all under like circumstances.
- 4, and lastly. That if the children born in Paraguay of foreigners of any nation whatsoever should be allowed to follow the nationality of their parents, the consequence would be that some citizens would enjoy favours and privileges not enjoyed by their fellow-countrymen, and would be exempted and freed from the charges and duties to which the rest were liable.

The President of the Republic has therefore determined, and decrees :

ART. I. Every one who is born in the territory of the Republic is a Paraguayan citizen, and, as such, equal to every other citizen in rights and duties.

II. The children of Diplomatic Agents or Consuls, who may be born in the Paraguayan territory, are excepted from the provision of the preceding Article.

III. In conformity with the provision in Article I, the children of foreigners married in the country, cannot be inscribed in the register of any foreign Consul.

IV. The present Decree shall be submitted to the deliberation of the honourable the National Congress.

* Page 1146.

V. For the information of all, let it be published in the newspaper "Semanario."

Assumption, July 10, 1856.

JOSE JALCON.

CARLOS ANTONIO LOPEZ

ADDRESS of the Congress of Yucatan, on promulgating the Constitution of 1841.—Merida, March 31, 1841.

(Translation.)

CITIZENS,

THE time so much wished for by the worthy sons of Yucatan has at length arrived: the ardent wishes of the real lovers of republican liberty are fulfilled. This day the Yucatecan people enter upon the full and most perfect enjoyment of their imprescriptible rights. The long sufferings and the costly sacrifices cheerfully offered at the altars of our beloved and cherished country have not, then, been in vain. They have entitled the Yucatecans to the possession of institutions eminently liberal and protective of individual rights. Yes, here, in this little fundamental charter, which your representatives this day put into your hands, in return for the deep confidence which you have reposed in them, is contained all that you can desire for our happiness and common prosperity. It is a monument consecrated to the protection and safeguard of the rights both of the man and the citizen, which an arbitrary and despotic Power only would attempt to usurp from us, turning a deaf ear to the sacred voice of reason and of philosophy. Let us show, then, to the whole world that the Yucatecan people have accomplished their desire of reconquering their most precious rights, and of making them respected, and have treated with scorn the iniquitous threats of that disorganized metropolis.

The free and sovereign State of Yucatan will not be again, as it has been hitherto, the sport and derision of a Government called, no doubt ironically, a popular Republican one. 600,000 free citizens, worthy sons of the State, will be its support and an inexpugnable bulwark against the tyranny of that Government. If, then, it wishes to establish fresh relations of union and concord, founded on just and equitable conditions, let it lay aside for ever that blind spirit of ambitious domination with which it has been for some time inebriated; let it respect the eternal and sacred principles proclaimed in this code of our public liberties; let it acknowledge, in fine, the actual political existence of the State and the other rights inherent in its natural sovereignty and independence; then—yes, and only then—will we give the lasting embrace of a legitimate and no spurious fraternity, consolidating a frank and liberal Government worthy of the enlightened age in which we live

and establishing a durable and constant tranquillity which may put a happy end to the prolonged misfortunes and continual sufferings which we have undergone for more than 30 years. May Heaven, therefore, grant us the fulfilment of such flattering hopes.

But, citizens, to have a Republican Constitution is not enough. We must aggrandize and adorn it with our virtues, and religiously venerate the righteous precepts which it imposes. Yes, Yucatecans, be assured that without a faithful and strict observance of the laws, without that respect which ought to be paid to the authorities, and without a fund of morality and propriety, the best institutions will be ineffectual and useless, your labours and your sacrifices will have been in vain, your name will be uttered with execration and contempt, and your ancient oppressors, scoffing at your disorders and your inconstancy, and taking advantage of your meanness and your infamous want of spirit, will again impose their rigorous chains, perhaps even still heavier than those which you have succeeded in bursting with the heroism of an unequalled patriotism. In vain, yes, in vain would your representatives then have the unspeakable satisfaction of placing in your hands this day the fundamental compact of 1841, which might doubtless advance the ever-peaceful Yucatecan people in the career of social happiness. But no, citizens, it will not be so. The supreme powers of the State confiding in the active and efficient co-operation of your refined patriotism, expect to finish and perfect the magnificent work which you began, when, with gallantry and enthusiasm, you uttered the glorious cry of federation, unfurling to the breeze with noble pride the standard of the free. Your distinguished virtues will cause the Yucatecan name to be everywhere pronounced with admiration and envy.

Exert yourselves, then, in preserving the majestic dignity of a free people. Fidelity to the Constitution, respect for the authorities, and perseverance in the fulfilment of the laws, these are the virtues peculiar to real republican liberty. These will justly entitle the Yucatecans to the august designation of an enlightened and liberal people. This is the time, then, to inaugurate the glories of our mother country. Doubt it not, citizens, Yucatan will be happy. So it is written in the eternal volume of the destinies of nations. Let us begin, then, to enjoy the inestimable benefits which are always produced by a frank and paternal Government such as this new charter assures to us. Finally, let it be the religious observance of the code of 1841, that may everywhere show the happiness, civilization and justice of the free and virtuous Yucatecans.

In the Palace of the Congress at Merida, in Yucatan, 31st March, 1841.

ANDRES IBARRA DE LEON, *President.*

POLITICAL CONSTITUTION of the State of Yucatan.—*Merida, March 31, 1841.***(Translation.)**

SANTIAGO MENDEZ, Governor of the free and sovereign State of Yucatan, to all the inhabitants thereof, know ye: that the Congress of the aforesaid State has decreed and sanctioned the following political constitution:

We the people of Yucatan, grateful to Divine benevolence for having allowed us to organise such a Government as our particular wants require, exercising the right which the Sovereign Law-giver of the Universe has granted to all human communities, have decreed the following

CONSTITUTION.*Of the Yucatecans.*

ART. I. The Yucatecans are:

1. Those born and domiciled in the territory of the State.
2. Those born in a foreign country of a Yucatecan father by birth or naturalization, if, when they have a right to decide for themselves, they be already settled in the State, or give notice that they intend to be so, and carry out their intention within a year after having given the notice.
3. Foreigners who obtain letters of naturalization in accordance with the laws.

Of the Citizens.

II. The citizens in exercise of their rights are:

1. Those Yucatecans domiciled in any town of the State who are full 21 years of age, or 18 if they be married.
2. The natives or naturalized persons of the rest of the Republic who acquire domicile in the State.
3. Foreigners who obtain special letters of citizenship in accordance with the laws.

III. The exercise of these rights is lost:

1. By becoming naturalized in a foreign country.
2. By settling out of the State without the licence of the Government.
3. By accepting employment, decoration or pension from a foreign Government without the licence of the Executive of the State.
4. By sentence imposing corporal or degrading punishment, unless rehabilitation be obtained.
5. By fraudulent bankruptcy, declared to be so.

IV. The exercise of the said rights is suspended:

1. For not having a residence, business, or known means of living.
2. For being criminally indicted.
3. For not being enrolled in the local militia, and having no legitimate cause of exemption.

V. Domiciliation is acquired by continual residence in the State for one year, exercising therein some art, profession or calling.

VI. Domiciliation is lost by removing to another place out of the State, breaking up the household, trade or business established therein.

Individual Guarantees.

VII. Every inhabitant of the State, whether national or foreign, has the following rights:

1. Not to be arrested unless by warrant or order of the competent magistrate given in writing and signed, nor apprehended by direction of the Governor otherwise than in the manner indicated in the powers of that officer; excepting in the case of *flagrante delicto*, when any one may seize the wrong-doer and take him immediately before the proper magistrate.

2. Not to be detained without an express order given and signed by the competent magistrate who apprehends him; nor to remain in detention more than 24 hours without receiving his preparatory declaration, nor 48 hours without receiving the document explaining the cause of his imprisonment.

3. Nor yet to remain in prison, nor without communication, for more than 6 days without having his declaration and statements taken, nor to be kept again without communication after this last proceeding.

4. Not to be tried by commission, but by the competent tribunal established by law.

5. Not to be tried or sentenced by judges established or by laws passed since the act which caused the suit, or the institution of the proceedings.

6. To settle his disputes by means of arbitrators.

7. Not to be obliged to do what the law does not order him, nor to do what it does direct, except in the manner and form that it determines, nor to pay any tax not decreed by the Congress of the State.

8. Not to be prevented from doing what the laws do not prohibit.

9. To be able to print and circulate his ideas without need of previous censure: being subject to the penalties of the law for any abuses he may commit.

10. To be able to acquire real property in town or country, and to apply himself to any branch of industry.

11. Not to have his dwelling-house, correspondence, or papers searched, unless by order of the competent magistrate, and with the formalities required by law.

12. To petition freely and with moderation for the observance of the constitution and laws.

VIII. The judges of first instance will protect in the enjoyment of the rights guaranteed in the preceding Article, those who petition for protection against any functionaries who may not comply with the judicial orders, and will decide briefly and summarily upon questions arising out of the aforesaid matters.

IX. Any infringement of the above-mentioned rights, committed by the magistrates, will be taken cognizance of by their respective superiors with the same readiness as mentioned in the preceding Article, remedying at once the evil complained of, and bringing to immediate trial the violator of the aforesaid guarantees.

Of the Public Power of the State.

X. The public power of the State is divided for its exercise into legislative, executive, and judicial, and neither can these three nor any two of them ever be united in one single body or person.

Legislative Power.

XI. The legislative power is lodged in two Chambers, one of Deputies, the other of Senators.

Chamber of Deputies.

XII. The Chamber of Deputies shall be composed of the citizens appointed for that office by the divisions of the State; one being chosen by every 35,000 souls, or for a fraction exceeding the moiety of that number.

The divisions which do not contain the former number shall unite with the nearest, in order to appoint their respective Deputies together.

XIII. The election of the Deputies shall be by direct popular suffrage, and to facilitate it the parishes shall be divided into sections containing from 1,000 to 2,000 souls.

XIV. At the electoral meetings of the sections, the citizens domiciled therein shall elect on the 1st of June, every two years, a scrutineer and the Deputies belonging to the respective divisions, and this must be done by voting papers only.

XV. When the voting is over, the citizen who has obtained the greatest number of votes for that office shall be declared scrutineer in his respective section; then the votes given therein for the Depu-

XVI. On the first Sunday in July next following, the scrutineers shall assemble in the chief place of their division, shall a scrutiny of all the suffrages given in the parochial sections for Deputies, and shall declare those elected who shall have got the highest number of votes; he who has most votes is declared first Deputy; he who is next in majority, second; and of the others.

XVII. To be a Deputy it is necessary to be a citizen in the exercise of his rights, of the secular condition, and to have been born in the territory of the State; to have been domiciled for a year, to full 25 years of age at the time of the election, and to have a capital or business which produces an annual income of 400 dollars.

He who may be a native of any other part of the Republic besides possessing the aforesaid requisites, must have been domiciled for 3 years, with continual residence in the State; a foreigner married to a Yucatecan woman must have been domiciled for 5 years, and must possess landed property to the value of 2,000 dollars free from all pecuniary responsibility; and the foreigner not married, 4,000 dollars and 8 years' domiciliation with continued residence.

XVIII. The functionaries who exercise political or judicial authority, the Secretaries of State, the Attorney-General of the Supreme Court of Justice, the Treasury and War-Office officials, and others appointed by the Government, cannot be Deputies.

XIX. A special law will determine the qualifications of the voters and scrutineers, and all the rest relating to the election of Deputies.

Chamber of Senators.

XX. This Chamber shall be composed of two Senators for each department, and their election shall also be by direct popular suffrage.

XXI. The Senators shall be elected at the same electoral meetings, on the same day and in the same manner as the Deputies, by the citizens domiciled in the parochial sections, but this election shall be made by separate voting-papers, and a separate report of the result shall be drawn up, to be sent immediately to the chief place of the department.

XXII. The scrutineers appointed by the parochial sections, after having declared the Deputies elected for their division, shall elect on the same day from among themselves 5 persons who shall go to the chief place of the department to perform the scrutiny of the votes given for Senators in all the sections thereof.

XXIII. The departmental scrutineers shall meet on the last Sunday in July, every two years, at the chief place of their department.

ment, and after a proper scrutiny, with the reports of the elections from the parochial sections before them, shall declare the two who have obtained the greatest number of votes for Senators, elected as such.

XXIV. To be a Senator it is requisite to be a citizen in the enjoyment of his rights, and born in the territory of the State, to have been domiciled a year, to be full 30 years of age at the time of the election, and to have a capital, profession, or business, which produces an income of 600 dollars a-year.

A native of the other States must, in addition to the above-named requisites, have been domiciled for 3 years with continual residence; a foreigner married to a Yucatecan woman must have been domiciliated for 5 years, and possess landed property amounting to 3,000 dollars, free from all pecuniary responsibility; and the foreigner, not married, 6,000, and 8 years' domiciliation with continual residence.

XXV. None of those included in Article XVIII can be Senators, nor yet the bishop, his vicar-general, rectors, parsons, or prebendaries.

XXVI. The provision made in Article XIX of this Constitution will apply to the Senators.

Installation of the Chambers and duration of their Sessions.

XXVII. From the 20th to the 31st of August every two years, the newly-elected Deputies and Senators shall hold in the capital such meetings as they may consider necessary for the examination of their respective elections; each Chamber having to decide exclusively on the legality of the elections of the members who compose it.

XXVIII. When the election of a Deputy or Senator has been condemned, the respective Chamber shall summon in his place that one, of those who were not declared elected, who received the greatest number of votes at the last elections of his division or department. The same course shall be taken when there is a vacancy from any other cause.

XXIX. The ordinary sessions of the Legislative body shall begin on the 1st of September, in each year, and shall continue till the 16th of November; the two Chambers shall assemble together for the opening and closing proceedings, and the person charged with the Government of the State is to take part therein.

XXX. The regulations for the internal government of the Chambers will determine the days and hours of their sessions, and the manner and form in which they are to proceed both with regard to the matters which are within the competency of the two, and the arrangements which belong to each of them.

ment of the State in either of them; and to the Supreme Court Justice only for the correction of the defects of the civil criminal legislation, or for the improvement of the judicial proceedings.

XXXII. The Deputies and Senators cannot be taken to task at any time or in any case, for the opinions expressed in the performance of their duties.

XXXIII. To vote any law or decree two-thirds of the number of persons composing each Chamber must be present, half the number and one more for the resolutions peculiar to each of them and of the two assembled together for the election of the person who have to exercise the Executive Power, of those of the Council of State, and of the 12 mentioned in Article XLI.

As a general rule the voting shall be decided by the absolute majority of votes.

XXXIV. The projects of law or decree approved by both Chambers shall be transmitted to the Government of the State, which, if it sanctions them will cause them to be published and circulated for their due fulfilment. But if within 10 days of having received them the Government should return them with observations to the Chamber from whence they came, they shall be examined again by the two co-legislative bodies, which shall not be understood to insist upon them unless they reproduce them by the vote of two-thirds of their members present. If they be so reproduced the Government shall order that they be published as laws or decrees. The Government shall be obliged to do the same if it allows the aforesaid term of 10 days to pass without returning them to the Chamber where they originated.

XXXV. If the Government should propose any reform in the observations referred to in the foregoing Article, and the Congress should adopt it by the vote of two-thirds of the members present in each Chamber, the law or decree may be reproduced without further variation than the aforesaid, and in the terms proposed by the Government, which cannot then refuse its sanction.

Faculties of the Legislative Power.

XXXVI. The Legislative Power has the right:

1. To pass the laws for the regulation of the public administration in all and each of its branches, as well as those relative to the civil and political rights of the inhabitants of the State.

2. To impose taxes and decree their application.
3. To grant general amnesties in the cases wherein public convenience requires it.
4. To grant pardons, remission or commutation of legal punishment, when so required for the advantage and convenience of the State.
5. To decree the protection to be afforded by the Government to the religious worship of the State, and the intervention which it has to exercise in the appointment of its Ministers.
6. To acknowledge the public debt and to decree the manner and means of extinguishing it.
7. To authorize the Government to contract debts upon the credit of the State, and to assign guarantees to cover them.
8. To decree the naval and military forces which are to be maintained, and to regulate in a fitting manner the services which they are to render.
9. To open and close ports.
10. To grant exclusive privileges.
11. To give the Government grounds for the formation of alliances with the other States of the Republic, to point out their object, and to ratify what is agreed upon therein.
12. To prorogue their sessions for 30 available days at most, the Executive having no power to return with observations the decrees passed upon this subject.

Political Trial.

XXXVII. The Governor, Councillors, Secretaries of State, and Administering Judges of the Supreme Court of Justice may be brought to trial for infractions of the law which they may commit in the exercise of their respective functions; but for that purpose they must be accused before the Chamber of Deputies, and if it be declared therein that there is cause to institute proceedings against them, the respective cases shall be transmitted to the Senate in order that they may be there completed in the proper form, hearing the accused and the accuser or accusers, if there be more than one, and that sentence of acquittal or condemnation may be passed; but without the power of imposing any other punishment in these trials than deprivation of office or employment, and temporary or permanent disability to hold any other. But when in the judgment of the said Chamber of Senators it appears that the accused is liable to heavier punishment, the process shall be transferred to the respective judge of first instance, so that it may be carried on according to law.

XXXVIII. The abuses of the court in its trials for protection

that both Chambers should condemn them by the vote of two-thirds of their members present, in order to sentence the court to appointed penalties, when the Congress which tries it may be author of the legislative enactments against which it has passed judgment.

Chambers erected into Juries of Accusation.

XXXIX. The functionaries mentioned in Article XXXVII only be tried for the ordinary offences which they commit, on a previous declaration by one of the Chambers that there is cause to institute proceedings. But in order that the Deputies and Senators may be tried for the said offences, the required declaration shall be made by the Senate if it be a question of criminal proceeding against the former, and if against the latter by the Chamber of Deputies.

XL. When it has been declared that there is cause to proceed criminally against the public functionaries mentioned in the preceding article, the case shall be transmitted to the Supreme Court of Justice, in order that the accused may be tried according to the laws.

XLI. For the cognizance of these causes, to supply the deficiency in cases of the physical or legal incapacity of the magistrates of the court, the united Chambers shall elect, on the 2nd of September, every two years, 12 persons who, although they may not be advocates, possess a knowledge of the law of the land, and moreover unite the other circumstances required for obtaining the superior magistracies of the State. From among these shall be taken by lot before the Chamber of Deputies, or, during the recess of Congress, before the Governor and Counsellors, those who may be required in the aforesaid cases.

Of the Executive Power.

XLII. The Executive Power of the State shall be entrusted to a Governor; the person charged with this office shall be replaced on the 1st of October every 4 years, and he shall be elected directly by the people.

XLIII. To be Governor it is required to be a Yucatecan citizen by birth, to be domiciled in the State, to be 30 years of age, and to possess a capital of 6,000 dollars, free from all liability.

XLIV. Every 4 years the citizens of the parochial sections, at the voting for the Deputies and Senators, shall also vote on one paper only for a person to serve as Governor, and for one to supply

his place when absent. Each electoral meeting shall draw up a report of the result of this election, and shall transmit it immediately to the Council of State.

XLV. From the 1st of September next following the aforesaid elections, till the 15th of the same month, the united Chambers shall proceed to the examination of the reports mentioned in the preceding Article, deciding as may be regularly arranged respecting any illegality charged against the voting and in regard to the other matters relating to the said elections. Within the same period they shall perform the scrutiny and declare the election as Governor and as substitute of the persons who shall respectively have obtained the greatest number of votes for each office.

XLVI. The Chambers shall act together in everything relating to the election of Governor and substitute, deciding by absolute plurality of votes all questions which may arise thereon, and resorting to lot for the decision in cases of equality of votes given by the people.

XLVII. The Governor elect and the Councillors shall take possession of their respective offices on the 1st of October, swearing themselves in before the united Chambers.

XLVIII. Every temporary or permanent absence of the Governor shall be made good by the substitute; if the latter should be temporarily absent at the same time as the Governor, the united Council shall act for him; and also in the continued absence of both Governor and substitute.

In the latter case, if the absence should exceed 6 months, the Council shall immediately issue notices for the people to proceed as soon as possible to the election of a new Governor and substitute, assembling the Chambers for the sole purpose of the scrutiny and declaration of the persons elected. These shall enter at once upon their respective offices, and shall discharge the duties thereof for the remainder of the constitutional period.

The Governor's Powers.

XLIX. It belongs to the Governor:

1. To sanction, publish, and circulate the laws and decrees of the Council of State, and to cause them to be observed.

2. To demand from all the offices and persons employed the intelligence and information that he requires for the performance of his duties.

3. To give the proper orders, so that the constitutional elections may take place at the periods determined by the law.

4. To appoint the political chiefs, both superior and subaltern.

5. To appoint and remove freely the Secretaries of State and those who belong to their offices.

8. To attend to the public health, directing the fitting measures for its preservation.
9. To excite the zeal of the tribunals effectually for the speedy administration of justice, giving information to the Supreme Court of the faults committed by the inferior ones.
10. To require the Council of State to convoke the Chambers extraordinary sessions, and the latter to prorogue the ordinary ones.
11. To require the Council of State to give him its opinion, writing, on matters of administration which he submits to it, in order to enable him to decide correctly.
12. To preside, without a vote, at the Council of State when he applies to him on the subject of any recommendation; but he shall not be present at the time when the resolutions are passed on the subject which has called for his assistance.
13. To grant letters of naturalization in accordance with the formalities established by a special law.
14. To dispose the naval and military forces for internal and external security.
15. To promote in the States of the Republic the formation of coalitions for the support and consolidation of the cause proclaimed therein, and to appoint the agents who are to represent it in the States, giving account to the Legislative Power of the final resolution which they come to.
16. To conduct the correspondence which may arise on matters of international law, regulating his proceedings by the law of nations and the maritime law, according to the circumstances in which the State may be, and observing in preference the Treaties concluded by the Republic with foreign Governments up to the 18th of February, 1840.
17. To arrest those whom he may suspect, when the welfare or the security of the State requires it; being bound to place the persons arrested at the disposal of the proper tribunal in 3 days at the latest.
18. To initiate the laws and decrees which he may consider fitting for the welfare or prosperity of the State.
19. To exercise the right of rejection in the appointment of judges of first instance in accordance with the laws.
20. To give discharges, grant leave of absence, and pensions to soldiers, in conformity with the laws.
21. To intervene in the filling up of benefices and ecclesiastical ministries in the manner and form determined by the laws.

Restriction of the Governor's Powers.

L. He shall not be able:

1. To impose a tax of any kind.
2. To hinder or delay the popular elections.
3. Or to hinder the installation of the Congress.
4. To interfere in the examination of pending judicial cases, or to dispose of the persons of the accused during the trial.
5. To go out of the territory of the Republic, nor out of the capital, without the leave of the Congress, or, during its recess, of the Council, only for weighty and proved reasons.

Of the Council of State.

LII. There shall be a Council of State composed of 3 original voting members, who shall be the substitute Governor and two other persons who shall be appointed one by one every 4 years by the united Chambers. These shall also appoint 3 substitutes in the same manner and on the same day.

The substitute Governor shall be President of the Council; in his absence, the Councillor first appointed by the Chambers shall preside, the second taking his place, and calling upon the substitute to make up the number; in the absence of both the first named, the second appointed shall preside, and the second substitute shall be called to fill the third place. If all the principal members should be absent, the 3 substitutes shall act for them.

LII. The same qualifications are required for a Councillor as for the Governor.

LIII. The third Councillor shall act as Secretary.

Powers of the Council.

LIV. It belongs to the Council:

1. To do what is determined in Article LV, being responsible for any recommendations it may make contrary to the Constitution and laws.

2. To frame regulations for the improvement of public instruction in all its branches, and to send them up, through the Government, to the Congress for its approval.

3. To explain the accounts of the annual produce of the State revenues, and those of their application, in order that they may be submitted, through the Government, to the Congress within the first 15 days of its sessions, and they are to be accompanied by an estimate of the expenditure for the following year, and of the means required to meet it.

Also to explain the accounts of the public property, and the ways and means for the approval of the Government.

4. To enter the names of the elected Deputies and Senators in a register which shall be kept for the purpose.

Of the Judicial Power.

LIX. The judicial power shall reside in a Supreme Court of Justice, and in those inferior tribunals of fact and of law which may be established by the laws.

Of the Supreme Court of Justice and of its Functions.

LX. The Supreme Court of Justice shall be composed of 3 administering judges and an Attorney-General; to obtain this office, it is necessary to be a Yucatecan citizen in the exercise of his rights, to be domiciled in the State, and to have resided therein for 5 years uninterruptedly, to be full 35 years of age, to be an advocate, and to have exercised that profession for 8 years at least. Any vacancy that may occur shall be filled up by the Chamber of Deputies proposing 3 persons, with the aforesaid qualifications, and the Senate choosing one of the three for the place of Attorney-General.

LXI. When any one of the places in this body becomes vacant the Attorney-General thereof shall immediately fill it as of right.

LXII. It belongs to this assembled tribunal:

1. To maintain in the enjoyment of their rights those who solicit its protection against the laws and decrees of the Legislature which may be contrary to the literal text of the Constitution, or against the measures of the Governor, if the fundamental code should be therein infringed in its express terms, restricting itself in both cases to redress the injury in so far as the Constitution may have been violated.

2. To initiate laws and decrees for the improvement of civil and criminal legislation, and of judicial proceedings.

3. To appoint its own respective subalterns and dependents, and the professional magistrates and assessors, proceeding in conformity with the provisions of the laws.

LXIII. It likewise belongs to this tribunal, each of its members judging by himself, and the cases which occur being distributed among them, to take cognizance in first, second, and third instance, and of the appeals of nullity when there is no recourse to the last;

1. Of the civil causes wherein the Governor, the Councillors, and the Secretaries of State are concerned as prosecutors or as defendants, and of those against the Deputies and Senators; 2. Of the legal disputes which occur respecting contracts and negotiations entered into by the Governor, or by his express orders; 3. Of the criminal proceedings taken for ordinary offences against the public functionaries mentioned in the first part of this Article, after the provisions of Articles XXXIX and XL have been complied with; 4. Of the controversies which arise among the tribunals of the

State, of whatever kind they may be ; 5. Of appeals for protection and coercion ; 6. Of the cases of responsibility of the inferior tribunals of first instance ; 7. Of the criminal actions which have to be brought against the immediate subalterns of the court itself for abuses committed in the performance of their official duties.

LXIV. In all these cases, and when there may have been recourse to the 3 instances, one of the balloted judges mentioned in Article XLI of this Constitution, being chosen for the purpose as is therein provided, shall take cognizance of the appeals of nullity.

LXV. From the balloted judges, referred to in the preceding Article, shall also be chosen by lot the judges who are to take cognizance from first instance in civil matters, wherein the administering Judges and the Attorney-General of the Supreme Court of Justice are either plaintiffs or defendants, or in criminal actions against them for the ordinary offences which they commit.

LXVI. It belongs likewise to this tribunal, each of its members judging separately, and distributing amongst themselves the cases which may occur, to take cognizance in second and third instance of other matters not mentioned in Article LXII, and of the respective appeals of nullity, regulating their proceedings according as the laws do now, or may hereafter direct.

Tribunals of First Instance in general, and those of War in particular.

LXVII. There shall be professional judges in first instance for ordinary cases, civil and criminal. The law will determine their personal qualifications, and the number of them to be appointed.

LXVIII. Merely military offences, which are committed in campaign, shall be tried by councils of war, in conformity with what the laws do, or may hereafter, direct.

Judges of Fact.

LXIX. The laws will determine the manner and form in which trial by jury is to be established, making the experiment first in the cognizance of specified offences, and afterwards extending it to others, and even to civil causes, according as circumstances allow of it.

In the meantime, the determination of offences of the press belongs exclusively to a jury of the people.

Departmental Administration.

LXX. There shall be a superior political chief in each department, and a subaltern in each division. The law will determine the qualifications of those functionaries, and their respective powers.

LXXI. There shall likewise be corporations in the cities and towns, and in the places determined by the secondary law. And where they are not to be, there shall be established two or more justices of peace; and in the small towns a peace magistrate, to preserve order and look after the police. The election shall be by the people directly.

General Provisions.

LXXII. The responsibility of the Governor, the Councillors, the Secretaries of State, and the other superiors of the public administration, does not supersede that of the subalterns who may obey their orders for the hindrance, suspension, or postponement of the popular elections, or the installation of the Congress.

LXXIII. There shall be no other than the sole statute law for ordinary cases, civil or criminal, and no temporal means of coercion can be made use of by the ecclesiastical authorities, nor can they apply punishments of that nature.

LXXIV. On the day following that on which the elections of Deputies, Senators, Governor, and substitute, have been concluded in the parochial sections, there must be affixed in the most public situations of the place, and be sent to the press, the list of all those who have obtained votes for those offices, with the names of the persons who have supported each of those voted for.

LXXV. In the administration of justice, the judges shall regulate their judgments according to the provisions of this Constitution, setting aside whatever may be enacted contrary to its literal text in the laws or decrees of the Congress of the State.

LXXVI. The directions of the judges shall be punctually obeyed and executed under the responsibility and penalties fixed by the laws.

LXXVII. Any authority not conferred on the Congress of the State by this Constitution, nor by the laws on the rest of the public functionaries, is to be understood as being denied to them.

LXXVIII. Every inhabitant of the State is bound to observe and fulfil the laws under the penalties established therein.

LXXIX. No one can be molested on account of his religious opinions, and those persons who may establish themselves in the country, as well as their descendants, shall be guaranteed therein in the public and private exercise of their respective religions.

Constitutional Reform.

LXXX. After the lapse of 5 years from the publication of this Constitution, it may be reformed, modified, or extended, on observing the following conditions: 1. That one Congress decree the necessity for the reformation of certain Articles by the vote of two-

...that Congress, the one that succeeds it in
following period of two years, shall effect the reforms, c
itself to the Articles which the previous one had declared w
reformation or abrogation.

Transitory Articles.

ART. I. The present Governor shall continue in his office
the 1st of October, 1845, when the constitutional period of 4
will terminate.

II. The present Congress, 4 days before the close of its sess
shall appoint two original Councillors, who, under the presiden
the present Vice-Governor, shall provisionally form the Counc
State until the 1st of October next, when the first Constituti
Council is to come into office.

It shall also appoint the three substitutes on the same day.

III. The present magistrates of the Superior Tribunal shall,
the time being, constitute the Supreme Court of Justice.
Given at Merida, in Yucatan, in the Palace of Congress, on t
31st of March, 1841.

ANDRES IBARRA DE LEON, *President*
(Followed by the signatures of the other Deputies.)

Wherefore, I order that it be printed, published, and circulated,
and that it be duly fulfilled.

Given at Merida, in the Palace of the State Government, on the
31st of March, 1841.

JOAQUIN G. REJON, *Secretary-General*.

SANTIAGO MENDEZ.

*MESSAGE of the Provisional Governor of Yucatan to the
Extraordinary Assembly, on its Installation in the Town of
Ticul.—May 24, 1847.*

(Translation.)

GENTLEMEN DEPUTIES,

WEIGHTY reasons of policy, of social, economical, and religious
interest have induced, or rather obliged the Government to convoke
you in this place. Grand and most important objects are about to
occupy your attention; very urgent necessities will engage your
thoughts; the country, whose summons you have obeyed, claims
the aid of your enlightenment and of your experience.

Extraordinary as this honourable assembly is, nothing is more natural than the frank and simple explanation of the ends which the Government has proposed to itself in convoking it; they are of such a nature and of so great importance, that no one who takes an interest in the fate of our country can fail to approve and applaud them. I will explain myself, Gentlemen, with all fitting candour and perspicuity.

The Provisional Government which has borne the weight of the public administration since the 8th of December last, has had to proceed by difficult, rugged and insecure paths. The public acts which preceded the creation of the Provisional Government are well known to all. The causes which produced the revolution of December are quite notorious and are justified; the tumult of the 28th of February, which the Government, supported by public opinion, suppressed in a few days, is likewise known and has been characterised by the prudent judgment of the people; and, therefore, far from dwelling upon these events, I think that we should all draw a veil over them, and occupy ourselves solely and exclusively with the actual position of affairs in order to improve it so far as may lie within the efforts of patriotism to do so.

To calm the anxiety of some over-scrupulous spirits, who might bring into question the legitimate mission of the present Assembly, it is necessary to arrange our ideas, and to recognise the real situation of the country. The state of our relations with Mexico since 1840, has not allowed us to constitute ourselves in a durable manner. Our policy and convenience, and, more than all, our necessities have made us take different directions according to events, still endeavouring to save our exceptionality and our local interests, which were the object of the programme of 1840. This, then has been the point to which our operations have been directed, so that as long as we do not firmly secure our relations under all their aspects and do not establish a consolidated rule, whether on the basis of a sanction and explicit acknowledgment on the part of Mexico, or of any other definitive resolution that we may adopt, it is clear that our revolution has not terminated, and it is likewise evident, on this view, that no act, no operation that we put in practice of those which our peculiar and exceptional circumstances require, can be censured as illegal, considering that we are still seeking the most fitting means to settle our destiny.

Taking this into consideration, is it at all strange that the Provisional Government, in the midst of the natural and accidental difficulties of our present situation, should have had recourse to the measure of convoking this extraordinary assembly to aid in its difficult tasks?

When its powers and the objects of its meeting have been

charged with the regulation of the revolution had to do as much as was done no more in this case than to consult the public exigencies which are nothing else than the interests of the people; and in the proper direction for the improvement of the state public affairs, the Government thought it of urgent necessity convenience that this honourable assembly should meet speedily and, in fact, it is an extraordinary one because the reasons for summoning it are also extraordinary. Besides, I am sure that the Yucatecan people, who have given proofs of unlimited confidence in the Government which they established themselves, will apply with demonstrative signs of their approbation, the fact of the rational and ready means having been appealed to for the cure of the public evils which afflict them.

If we choose to cast a glance over the history of nations in general, we shall find abundant examples in support of the measure adopted by the Provisional Government. When the matter in hand is to seek for the positive benefits of public order and repose when the question is to provide a vigorous support on which administration may rest which desires to improve the condition of the people, and of a people in the midst of a revolution, why should we be restricted or hindered by formulas which would perhaps prevent the acquisition of the positive advantage which we long for?

Our revolution cannot be compared with that which France experienced; our conflicts cannot be weighed in the scale against those of the directorial Republic; our bitterest days have not been so sad and troubled as those which that great nation suffered; yet, notwithstanding, there are not wanting points of contact between our little disorders and the terrible magnitude of theirs, for in every part of the world, the same causes produce the same effects, and men in the same circumstances act in the same manner, on a more or less graduated scale.

If France, after the epoch of the Directory, adopted extraordinary measures in order to emerge from the chaos and confusion into which she had fallen, is it, then, strange that Yucatan should do the same under similar circumstances? Is it, perchance, a matter to be dreaded that she seeks in an Extraordinary Assembly the most secure bases for the organization of objects of the greatest importance? It is quite clear that there can be no question of a transition like that which took place in France at the period referred to. We do not seek to vary or change the essential or constituent principles

of the system adopted; the matters to be treated of are solely and simply administrative, economical, and local regulations. The question is only to establish certain bases for the support of the Provisional Government in remedying the violence and disorder of affairs; violence and disorder which have arisen from the shock produced by the revolution. The Government finding itself placed in front for the guidance of the revolution, has thought it expedient to seek in this Assembly, composed of the most enlightened citizens, a prompt and efficient aid for the reparation of the evils of the community. The people are suffering, the ordinary means are not sufficient to help them, and the nature of their sufferings is such that no time should be lost; it is necessary to get all we can, and instead of troubling ourselves about formulas, established for normal times, we must seek for positive results even though we have to deviate somewhat from ordinary rules to obtain them. The illustrious D. Gaspar de Jovellanos, in defence of the conduct of the Central Junta, says as follows: "But as, in political matters, nothing is more powerful than the dominion of circumstances, and as, with the exception of honour and justice, there is nothing which ought not to give way to public convenience and advantage, no one will deny with reason that in passing judgment on the conduct of the Central Junta that maxim must not be lost sight of."

In regard to the dominion of circumstances, I believe, Gentlemen, that none of the worthy members of this Honourable Assembly will fail to recognize its exigencies. Our circumstances are really critical, and if we hamper ourselves by conducting them by the ordinary and common way, before we succeed they perhaps will lead us from precipice to precipice until they crush us against the difficulties, which increase in proportion to the inertness which is their real aliment.

Gentlemen, the Government seeks a support to secure its resolutions; it needs a lever to move the mass of business; you can furnish it with one; and in order that you may supply the want with your enlightenment and your known patriotism, the Government has thought it expedient to assemble you.

Having made this statement, it only remains for me to trace a rapid sketch of the objects which should engage your attention, that is, the Finances, the Public Forces, and the Ecclesiastical Revenues

Finance.

The riches of nations are in direct proportion to their natural elements or their industry. Nature has not been very prodigal in favour of our country as regards the former, and as respects its industry we must confess that it is still in its infancy. Nevertheless,

since 1840 a reformatory spirit has begun to develop itself in mercantile legislation, and the commercial regulations of 17th November, 1840, and of 1st October, 1845, fail not to do honour to their authors, for their provisions show some calculation and some intelligence. These laws are as liberal as circumstances allow, and in this respect we have made a step in advance of the rest of the Mexican Republic; by them we have succeeded in extending as much as was possible the sphere of our external commerce and in animating the internal; but it is a principle generally recognized, an axiom in economics, that agricultural industry is the basis of commerce, and consequently the source of public wealth. Our agricultural industry has unfortunately remained stationary, and its produce is reduced within a circle narrow enough. Its exportation was almost confined to the ports of Vera Cruz, Tampico, and Tabasco, so that from the time when the iniquitous Decree of 21st February, 1844, appeared, which prohibited the admission of the greater part of that produce into those markets, the sad effects began to be generally felt. From that time our sugar-growers, our spirit manufacturers, and those who speculated in certain goods of the country began to decline, for, as the production was greater than the demand, there naturally came a lowness of prices, and with it the discouragement of the producers and merchants. If this was already a very powerful cause of depression in the financial resources, the blockade of the ports of the Republic came immediately after to extend the evil, and what is more sad, we were contaminated by the lamentable civil war which completed the mischief. Such being the case it may be said at present that the state of our finances is gloomy and precarious, and considering that this is such an interesting point, and the most necessary one, it claims the immediate and most careful consideration of the Honourable Assembly.

The personal tax which, according to the report presented to the High Extraordinary Congress on 18th September, 1846, amounted to 288,488 dollars, is now reduced to 216,866 dollars by the abatements it has suffered; abatements owing to the political convulsions which have been excited and promoted, to the injury of this so important branch, which is threatened with absolute extinction if measures be not adopted for the repression of such convulsions, which occasion the calamity and ruin of the State, from the lack therein of assessable matters or objects wherewith to supplement the personal tax and make up for its deficiency.

Commerce is in such a state of depression, and with the feeling and just fear that this depression may go on increasing, from the natural distrust which those very convulsions inspire in commercial agents, that according to what the importation and exportation dues, including those of tonnage, anchorage, and harbour-masters, have

yielded in the 4 months of the present year, and supposing that in spite of that just fear, the present mercantile movement should not undergo any alteration for the worse, those dues would only produce for the year the sum of 168,069 dollars 36 centimes, according to the documents Nos. 1, 2, and 3.

Navigation is quite paralysed, as the immediate and necessary consequence of the depression of commerce whose movements it follows proportionally and directly in their prosperity and in their decline; so that seamen engaged in that useful profession, are in despair at finding no resources for their preservation and necessary subsistence. The remaining branches of our industry and the persons engaged in them suffer the same unhappy fate, without finding a remedy for their necessities, or relief from their hard privations. The other imposts or dues in favour of the exchequer are affected in the same manner by the results of those convulsions, which alter and upset everything, and threaten the destruction and ruin of all that exists. It may be calculated that for the present they will produce annually the sum of 24,206 dollars 75 centimes, document No. 4, which added to the 216,366 dollars of the personal tax, and the 168,069 dollars 36 centimes of revenue from the Custom-House dues, make a total of 408,642 dollars 11 centimes, which, compared with 612,032 dollars 55 centimes of the estimates Nos. 5 and 6 of the civil and military list, show a deficit of 103,390 dollars 44 centimes, in providing for the amount of the two estimates. This is the condition of our miserable finances, after having adopted various measures of economy which had become necessary, and which the Honourable Assembly will perceive from the data presented by the documents referred to, and which are laid before it, in order that they may be carefully examined, and that the Assembly, taking in hand our necessities and the causes which have produced them, and reverting to what was said under the headings of commerce and finance in the report of 1846, may propose, under guidance of the superior enlightenment and of the fervent patriotism by which its worthy members are so distinguished, the ways and means for supplying them, for improving our actual position, saving us from the abysses of evils to which they are leading us, and restoring that order, peace, and tranquillity which have formed the distinctive character of our people, and which the genius of evil wishes to snatch away from them for ever.

The regulation of the Exchequer Offices forms part of the good or bad organization of the finances; a simplifying system ought to be immediately adopted therein, with such economy as can be applied in the number of persons employed, and in the salaries which they respectively enjoy. The other branches of public administration can and ought to be subjected to the same or equivalent measures

means of meeting our obligations is to moderate all expenses and to discharge all superfluous and unnecessary obligations. The State does not keep them or want them for the pleasure of paying them by the sweat of the people, but on account of necessity for their efficient services, and the public utility resulting therefrom.

Public Forces.

In the estimate of the military list No. 6, the public forces are taken as they now exist in Yucatan; limited enough even for garrison duty in time of peace and tranquillity, and absolutely insignificant in the miserable circumstances of disorder and turbulence in which we are unfortunately placed, and by which not only are the security and liberty of the citizens menaced, but also the existence of the Government itself. For the support of its measures, the preservation of social order, which is its primordial object, and to obviate the corruption of public and private morality, it is considered necessary that those forces should be augmented so as to be able to give active and efficient aid where their presence may be required to suppress any attempt to disturb tranquillity, and to leave it soundly secured; the local militia only being employed in very extreme cases, in order not to withdraw its members from their rural and industrial occupations to the prejudice of society in general. For this purpose, in No. 7, there is submitted to the inspection and recognition of the Honourable Assembly a project for the organization of the public forces which ought, in the opinion of the Government, to be established; determining the order and form of their enrolment and replacement, whether by means of enlistment, by lot, quota or contingent assigned to each division of the country, in proportion to its population. All men in constituted society are bound to render this service, on account of the advantage which they derive from having those who engage to protect them from all aggression, and to secure to them that tranquillity which is necessary to enable them to exercise freely the beneficent occupations of industry which create public wealth. This new organization will cause fresh expenses to the State, which, from the nature and purpose of their important object, cannot be dispensed with; and in comparison with those contained in the estimate already referred to, will show a difference which must be added to the deficit already stated. The Honourable Assembly will pay close and particular attention to this point, which is intimately connected with that of the public finances, and on the arrangement of which depends the

good or evil condition of the Yucatan people, their existence or their perdition.

Ecclesiastical Revenues.

It is a principle acknowledged from the first ages of the world, that religion is absolutely necessary to society; for, uniting worship and morality with the power which it exercises over manners, it influences public prosperity, strengthens the social bonds, preaches peace and fraternity, adorns the mind with the pure knowledge of truth, dispels ignorance, confirms security and protects enlightenment, while inspiring the love of labour; but all these advantages which emanate from religion, and the consolations which it offers, are, unfortunately, converted into misery and desolation when it is under the management of ministers but little or not at all zealous in the fulfilment of the sacred duties, for then it only serves as a cloak for the most sordid passions; preaching disunion and ignorance, and sanctifying idleness, which is the fruitful source of all the vices that corrupt and dishonour society. Hence it is indispensably necessary that those who are selected and dedicated to religious worship should edify the people by the practice of virtue, and not lead them astray to the edge of the precipice, by examples of dissipated and licentious living, nowise in conformity, but completely at variance with their revered and august office. The expenses of divine worship and of its ministers having been legalised on account of the utility and necessity of their sacred object, the payment thereof has been assigned, since the year 1843, to the treasury of the State; but the poverty and the pressing exigencies of that establishment have prevented its meeting them entirely; and, as is shown in the report of 1846, already referred to, in that year 58,792 dollars were owing on account of divine worship and its ministers; a debt which will go on progressively increasing and producing a heavy liability on the public finances, from which they must be discharged, and that without in any way neglecting to assign positive resources to provide for those cares which are equally urgent. Perhaps it would be well to devote part of the personal tax to this purpose, making it absolutely separate and independent of the public treasure, and establishing moderate surplice fees according to the capabilities of the towns and the means of the contributors; leaving the collection of the tax, as was formerly the case, to the respective clergymen, with the assistance and protection of the authorities, so that its payment should not be illusory. The Honourable Assembly will consider this simple suggestion, as well as the two statements Nos. 8 and 9, which are laid before it, respecting ecclesiastical revenues, for the purpose of satisfying the third point included in Article II of the Decree which has occasioned its meeting.

arrangements as may overcome the difficulties and organise, according to circumstances, necessity, and expediency, those matters which are of such interest and importance to our community. There are you on the table all the respective data and evidence, and it that no time may be lost in any case, and that the labours of the Honourable Assembly may be expedited, the Government stationed itself near at hand, so that it will be able to furnish intelligence and information which may be considered necessary in addition to what has been already presented.

The Government does not consider that it need extol and recommend to you the noble object of your meeting. In electing you the representation of our compatriots, in charging you with a mission of such importance, your antecedents, your information, your civic feelings were consulted, and it is not possible to doubt that you will justify this honourable confidence. The Government leaves you at absolute liberty to deliberate and to combine interests so dear and precious to the community; the welfare of Yucatan will result from your skill, and since you cherish in your hearts the noble and generous feelings of worthy citizens, therefore the result of your labours will probably be the best and most useful.

Before you depart, and according to the new aspect of public affairs, you will also have to resolve a great question. You will have to declare whether it will be better to hasten or to defer the election of the Constitutional Powers. The Government, which had in view very exceptionable circumstances for the convocation of this Extraordinary Assembly, also considered it prudent to invest it with the power of hastening or retarding those elections, in anticipation of circumstances that might require it. The Assembly will be able to take these circumstances into due consideration; and if, in its judgment, there should be a necessity for departing from the normal term, for the better security of peace and order, and to assure and give there-after greater vigour to the empire of the law, it can so determine with the loyalty and good intention which are to be expected from all its actions.

It is necessary, Gentlemen, that the new constitutional powers which may be elected should enter upon the discharge of their high duties, under the calmness and serenity of public order. What would be the use of observing certain legal forms if their results should turn out ephemeral and precarious? This is a matter which requires cautious and mature deliberation, because on it depends in a great measure the public weal. Let us endeavour to secure the

freedom of the elections; in turbulent times, and when the passions are in a state of effervescence, it is very seldom that the real public will is attended to; and then the authority which is confided to those who are elected is enfeebled by the viciousness of its source, and the more seriously, inasmuch as it appears decked out with the semblance of legality.

The Provisional Government desires, then, that the constitutional powers which succeed it should come supported by positive legality, and, consequently, that they should be sustained by moral force. The Government has to enunciate these ideas thus explicitly in order that no one may be in doubt as to its principles; it expresses them with loyalty and good faith, and the Assembly will examine them with the judgment and circumspection which characterize it.

Gentlemen, it is time to think seriously upon remedying the public evils; let us enter upon this with a firm and decided will, in order to justify our conduct before the Yucatecan people and before the whole world. Let the Assembly, then, proceed to its deliberations.

Ticul, 24th May, 1847.

DOMINGO BARRET.

DECLARATION of the Emperor of the French of Neutrality during the Civil War in The United States.—Paris, June 10, 1861.

Le Ministre des Affaires Etrangères a soumis à l'Empereur la déclaration suivante, que Sa Majesté a revêtue de son approbation :

Déclaration.

Sa Majesté l'Empereur des Français, prenant en considération l'état de paix qui existe entre la France et les Etats-Unis d'Amérique, a résolu de maintenir une stricte neutralité dans la lutte engagée entre le Gouvernement de l'Union et les Etats qui prétendent former une Confédération particulière.

En conséquence, Sa Majesté, vu l'Article XIV de l'Ordonnance de la Marine du mois d'Août, 1681, l'Article III de la Loi du 10 Avril, 1825, les Articles LXXXIV et LXXXV du Code Pénal, LXV et suivants du Décret du 24 Mars, 1852, CCCXIII et suivants du Code Pénal Maritime, et l'Article XXI du Code Napoléon,

Déclare :

1. Il ne sera permis à aucun navire de guerre ou corsaire de l'un ou l'autre des belligérants d'entrer et de séjourner avec des prises dans nos ports ou rades pendant plus de 24 heures, hors le cas de relâche forcée.

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des deux parties pour armer des vaisseaux en guerre, ou d'accueillir des lettres de marque pour faire la course maritime, ou de conclure d'une manière quelconque à l'équipement ou l'armement d'un navire de guerre ou corsaire de l'une des deux parties.

4. Il est également interdit à tout Français, résidant en France ou à l'étranger, de s'enrôler ou prendre du service, soit dans l'armée de terre, soit à bord des bâtiments de guerre ou des corsaires de l'un ou de l'autre des belligérants.

5. Les Français résidant en France ou à l'étranger devront également s'abstenir de tout fait qui, commis en violation des lois de l'Empire ou du droit des gens, pourrait être considéré comme un acte hostile à l'une des deux parties, et contraire à la neutralité que nous avons résolu d'observer.

Les contrevenants aux défenses et recommandations contenues dans la présente Déclaration seront poursuivis, s'il y a lieu, conformément aux dispositions de la Loi du 10 Avril, 1825, et aux Articles LXXXIV et LXXXV du Code Pénal, sans préjudice de l'application qu'il pourrait y avoir lieu de faire aux dits contrevenants des dispositions de l'Article XXI du Code Napoléon, et des Articles LXV et suivants du Décret du 24 Mars, 1852, sur la marine marchande, CCCXIII et suivants du Code Pénal pour l'armée de mer.

Sa Majesté déclare, en outre, que tout Français qui ne se sera pas conformé aux présentes prescriptions ne pourra prétendre à aucune protection de son Gouvernement contre les actes ou mesures, quels qu'ils soient, que les belligérants pourraient exercer ou décréter.

Le Ministre des Affaires Etrangères, E. THOUVENEL.

NAPOLÉON.

*ORDINANCE of Senate of Bremen against Privateering.
Bremen, July 2, 1861.*

(Translation.)

THE Senate finds it necessary, in regard to the events which have occurred in North America, to renew the regulations contained in its Ordinance of April 29, 1854, and accordingly makes the following notification for general observance:

1. All subjects of the State of Bremen are forbidden, under severe penalties, both from meddling in any way with privateering and from taking part therein, either by fitting out privateers themselves, or contributing through others to the same.

2. The proper officers are ordered not on any account to allow the fitting out or provisioning of privateers, under whatever flag or carrying whatever letters of marque, in any port of the Bremen territory, nor to admit into a Bremen port any such privateers, or the prizes made by them, except in cases of proved stress of weather at sea.

Resolved at Bremen, in the Assembly of the Senate, on the 2nd, and published on the 4th of July, 1861.

*ORDINANCE of the Senate of Hamburg against Privateering.
Hamburg, July 19, 1861.*

(Translation.)

ON the occasion of the events which have taken place in the United States of North America, the Senate reminds the public that, according to the Notification of July 7, 1856, relative to the Declaration of the Congress of Paris on the application of maritime law in time of war, privateering is entirely abolished, and therefore it is prohibited to engage in any way in privateering, or to take part in it either by fitting out privateers or by assisting others to do so. The proper orders have also been issued not to allow in Hamburg ports the fitting out or provisioning of privateers, under whatever flag or furnished with whatever letters of marque, and not to admit into Hamburg ports or roadsteads any such privateers, with or without prizes, except in cases of proved stress of weather at sea.

Given in the Assembly of the Senate, Hamburg, July 19, 1861.

ACT of the British Parliament, "to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary."

[24 Vict. cap. 15.]

[May 17, 1861.]

MOST GRACIOUS SOVEREIGN,

WE your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled having taken into consideration your Majesty's most gracious message, that your Majesty has agreed to a marriage proposed between Her Royal Highness the Princess Alice Maud Mary and His Grand Ducal Highness Prince Frederic William Louis of Hesse, do most humbly beseech your Majesty that it may be enacted: and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

It shall be lawful for Her Majesty, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant unto Her Royal Highness the Princess Alice Maud Mary, or

such manner as Her Majesty thinks proper, such annuity to commence from the date of the marriage of Her Royal Highness Prince Frederic William Louis of His Grand Ducal Highness Prince Frederic William Louis of He to be free from all taxes, assessments, and charges, and to be paid quarterly on the 5th day of January, the 5th day of April, the 1st day of July, and the 10th day of October; the first payment to be made on such of the said quarterly days as happens next after said marriage of such portion of the said annuity as may have accrued between the date of such marriage and such quarterly day and a proportionate part to be payable for the period from the last quarterly day of payment to the day of the determination thereof the above annuity shall be charged on and be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, after paying or reserving sufficient to pay such sums as may have been directed to be paid out of the said fund by former Acts of Parliament, but with preference to all other payments which may hereafter be charged on the said fund.

ACT of the British Parliament, "to amend the Law relating to the Copyright of Designs."

[24 & 25 Vict. cap. 73.]

[August 6, 1861.]

WHEREAS by an Act passed in the session holden in the 5th and 6th years of the reign of Her present Majesty, chapter 100,^e intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting Articles of Manufacture, it was enacted," that the proprietor of every such design as therein mentioned, not previously published either within the United Kingdom of Great Britain and Ireland or elsewhere, should have the sole right to apply the same to any articles of manufacture, or to any such substances as therein mentioned, provided the same were done within the United Kingdom of Great Britain and Ireland, for the respective terms therein mentioned, and should have such copyright in such designs as therein provided: and whereas divers Acts have since been passed extending or amending the said recited Acts: and whereas it is expedient that the provisions of the said recited Act, and of all Acts extending or amending the same, should apply to designs, and to the application of such designs, within the meaning of the said Acts, whether such application be effected within the United Kingdom or elsewhere: be it

ART. I. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the words "provided the same be done within the United Kingdom of Great Britain and Ireland" had not been contained in the said recited Act; and the said recited Act, and all Acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere, and whether the inventor or proprietor of such design be or be not a subject of Her Majesty.

II. That the said several Acts shall not be construed to apply to the subjects of Her Majesty only.


ACT of the British Parliament, "to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions."

[24 & 25 Vict. cap. 121.]

[August 6, 1861.]

WHEREAS by reason of the present law of domicile the wills of British subjects dying whilst resident abroad are often defeated, and their personal property administered in a manner contrary to their expectations and belief; and it is desirable to amend such law, but the same cannot be effectually done without the consent and concurrence of foreign States: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

I. Whenever Her Majesty shall, by Convention with any foreign State, agree that provisions to the effect of the enactments herein contained shall be applicable to the subjects of Her Majesty and of such foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, that from and after the publication of such Order in the "London Gazette," no British subject, resident at the time of his or her death in the foreign country named in such Order, shall be deemed under any circumstances to have acquired a domicile in such country unless such British subject shall have been resident in such country for one year immediately preceding his or her decease, and shall also have made and deposited in a public office of such foreign country (such office to be named in the Order in Council) a declaration in writing of his or her intention to become domiciled in such



or intestate succession as aforesaid, shall be deemed for all purposes of the law to have so resided and made his or her domicile in the country in which he or she possessed at the time of his or her going to reside in a foreign country as aforesaid.

II. After any such Convention as aforesaid shall have been entered into by Her Majesty with any foreign State, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the publication of such Order in the "London Gazette" it shall be and is hereby enacted, that no subject of any such foreign country who, at the time of his or her death shall be resident in any part of Great Britain or Ireland shall be deemed under any circumstances to have acquired a domicile therein, unless such foreign subject shall have been resident within Great Britain or Ireland for one year immediately preceding his or her decease, and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department, a declaration in writing of his or her desire to become and be domiciled in England, Scotland, or Ireland, and that the law of the place of such domicile shall regulate his or her movable succession.

III. This Act shall not apply to any foreigners who may have obtained letters of naturalization in any part of Her Majesty's dominions.

IV. Whenever a Convention shall be made between Her Majesty and any foreign State, whereby Her Majesty's Consuls or Vice-Consuls in such foreign State shall receive the same or the like powers and authorities as are hereinafter expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the publication of such Order in the "London Gazette" it shall be and is hereby enacted, that whenever any subject of such foreign State shall die within the dominions of Her Majesty, and there shall be no person present at the time of such death who shall be rightfully entitled to administer to the estate of such deceased person, it shall be lawful for the Consul, Vice-Consul, or Consular Agent of such foreign State within that part of Her Majesty's dominions where such foreign subject shall die, to take possession and have the custody of the personal property of the deceased, and to apply the same in payment of his or her debts and funeral expenses, and to retain the surplus for the benefit of the persons entitled thereto; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper court letters of administration of the effects of such deceased person, limited in such manner and for such time as to such court shall seem fit.

Le discours d'ouverture de chaque session résume, en peu de mots, les actes passés et les projets à venir. Jusqu'à ce jour, cette communication, restreinte par sa nature, ne mettait pas mon Gouvernement en rapport assez intime avec les grands corps de l'Etat, et ceux-ci étaient privés de la faculté de fortifier le Gouvernement par leur adhésion publique, ou de l'éclairer par leurs conseils.

J'ai décidé que tous les ans un exposé général de la situation de l'Empire serait mis sous vos yeux, et que les dépêches les plus importantes de la diplomatie seraient déposées sur vos bureaux.

Vous pourrez également, dans une adresse, manifester votre sentiment sur les faits qui s'accomplissent, non plus, comme autrefois, par une simple paraphrase du discours du Trône, mais par la libre et loyale expression de votre opinion.

Cette amélioration initie plus amplement le pays à ses propres affaires, lui fait mieux connaître ceux qui le gouvernent comme ceux qui siègent dans les Chambres, et, malgré son importance, n'altère en rien l'esprit de la Constitution.

Autrefois, vous le savez, le suffrage était restreint. La Chambre des Députés avait, il est vrai, des prérogatives plus étendues ; mais le grand nombre de fonctionnaires publics qui en faisaient partie donnait au Gouvernement une action directe sur ses résolutions. La Chambre des Pairs votait aussi les lois, mais la majorité pouvait être, à chaque instant, déplacée par l'adjonction facultative de nouveaux membres. Enfin, les lois n'étaient pas toujours discutées pour leur valeur réelle, mais suivant la chance que leur adoption ou leur rejet pouvait avoir, de maintenir ou de renverser un ministère. De là, peu de sincérité dans les délibérations, peu de stabilité dans la marche du Gouvernement, peu de travail utile accompli.

Aujourd'hui toutes les lois sont préparées avec soin et maturité par un conseil composé d'hommes éclairés, qui donnent leur avis sur toutes les mesures à prendre. Le Sénat, gardien du pacte fondamental, et dont le pouvoir conservateur n'use de son initiative que dans les circonstances graves, examine les lois sous le seul rapport de leur constitutionnalité ; mais, véritable cour de cassation politique, il est composé d'un nombre de membres qui ne peut être dépassé. Le Corps Législatif ne s'immisce pas, il est vrai, dans tous les détails de l'administration, mais il est nommé directement par le suffrage universel, et ne compte dans son sein aucun fonctionnaire public. Il discute les lois avec la plus entière liberté ; si elles sont repoussées, c'est un avertissement dont le Gouvernement tient compte ; mais ce rejet n'ébranle pas le pouvoir, n'arrête pas la

...ne et celle qui a précédé la révolution de Février.

Epuisez, Messieurs, pendant le vote de l'adresse, toutes les discussions, suivant la mesure de leur gravité, pour pouvoir ensuite vous consacrer entièrement aux affaires du pays, car, si celles-ci réclament un examen approfondi et consciencieux, les intérêts, à leur tour, sont impatients de solutions promptes.

À la veille d'explications plus détaillées, je me bornerai à vous rappeler sommairement ce qui s'est fait au dedans et au dehors.

À l'intérieur, toutes les mesures prises tendent à augmenter la production agricole, industrielle et commerciale. Le renchérissement de toute chose est la conséquence inévitable d'une prospérité croissante; mais, au moins, devions-nous chercher à rendre les objets de première nécessité le moins chers possible. C'est dans ce but que nous avons diminué les droits sur les matières premières, signé un Traité de Commerce avec l'Angleterre, projeté d'en contracter d'autres avec les pays voisins, facilité partout les voies de communication et les transports.

Pour réaliser ces réformes économiques, nous avons dû renoncer à 90,000,000 de recettes annuelles, et cependant le budget vous sera présenté en équilibre, sans qu'il ait été nécessaire de recourir ni à la création de nouveaux impôts, ni au crédit public, ainsi que je vous l'avais annoncé l'année dernière.

Les changements opérés dans l'administration de l'Algérie ont placé la direction supérieure des affaires au sein même des populations. Les services illustres du Maréchal mis à la tête de la colonie sont de sûrs garants d'ordre et de prospérité.

À l'extérieur, je me suis efforcé de prouver, dans mes relations avec les Puissances étrangères, que la France désirait sincèrement la paix; que, sans renoncer à une légitime influence, elle ne prétendait s'ingérer nulle part où ses intérêts n'étaient pas en jeu; enfin que, si elle avait des sympathies pour tout ce qui est noble et grand, elle n'hésitait pas à condamner tout ce qui violait le droit des gens et la justice.

Des événements difficiles à prévoir sont venus compliquer, en Italie, une situation déjà si embarrassée. Mon Gouvernement, d'accord avec ses alliés, a cru que le meilleur moyen de conjurer de plus grands dangers était d'avoir recours au principe de non-intervention, qui laisse chaque pays maître de ses destinées, localise les questions et les empêche de dégénérer en conflits Européens.

Certes, je ne l'ignore pas, ce système a l'inconvénient de paraître autoriser bien de fâcheux excès, et les opinions extrêmes préféreraient, les unes, que la France prît fait et cause pour toutes les

révolutions ; les autres, qu'elle se mît à la tête d'une réaction générale.

Je ne me laisserai détourner de ma route par aucune de ces excitations opposées. Il suffit à la grandeur du pays de maintenir son droit là où il est incontestable, de défendre son honneur là où il est attaqué, de prêter son appui là où il est imploré en faveur d'une juste cause.

C'est ainsi que nous avons maintenu notre droit en faisant accepter la cession de la Savoie et de Nice : ces provinces sont aujourd'hui irrévocablement réunies à la France.

C'est ainsi que, pour venger notre honneur à l'extrême Orient, notre drapeau, uni à celui de la Grande-Bretagne, a flotté victorieux sur les murs de Pékin, et que la croix, emblème de la civilisation Chrétienne, surmonte de nouveau, dans la capitale de la Chine, les temples de notre religion, fermés depuis plus d'un siècle.

C'est ainsi qu'au nom de l'humanité nos troupes sont allées en Syrie, en vertu d'une Convention Européenne, protéger les Chrétiens contre un fanatisme aveugle.

A Rome, j'ai cru devoir augmenter la garnison, lorsque le sécurité du Saint-Père a paru menacée.

A Gaëte, j'ai envoyé ma flotte au moment où elle semblait devoir être le dernier refuge du Roi de Naples. Après l'y avoir laissée 4 mois, je l'ai retirée, quelque digne de sympathie que fût une infortune royale si noblement supportée. La présence de nos vaisseaux nous obligeait à nous écarter tous les jours du système de neutralité que j'avais proclamé, et elle donnait lieu à des interprétations erronées. Or, vous le savez, en politique on ne croit guère à une démarche purement désintéressée.

Tel est l'exposé rapide de la situation générale. Que les appréhensions se dissipent donc et que la confiance se raffermisse ! Pourquoi les affaires commerciales et industrielles ne reprendraient-elles pas un nouvel essor ?

Ma ferme résolution est de n'entrer dans aucun conflit où la cause de la France ne serait pas basée sur le droit et la justice. Qu'avons-nous alors à craindre ? Est-ce qu'une nation unie et compacte, comptant 40,000,000 d'âmes, peut redouter, soit d'être entraînée dans des luttes dont elle n'approuverait pas le but, soit d'être provoquée par une menace quelconque ?

La première vertu d'un peuple est d'avoir confiance en lui-même et de ne pas se laisser émouvoir par des alarmes imaginaires. Envisageons donc l'avenir avec calme, et, dans la pleine conscience de notre force comme de nos loyales intentions, livrons-nous sans préoccupations exagérées au développement des germes de prospérité que la Providence a mis entre nos mains.

DECLARATION of the Government of Paraguay, respecting its Relations with Foreigners.—Assumption, May 20, 1845.

(Translation.)

THE Supreme Government of the Republic inasmuch as it is expedient to promote and cultivate friendship, good understanding and harmony with foreign Powers, and that to this end it is necessary to make known to all national authorities the system adopted, and which shall be observed for the protection of foreign subjects in virtue of, and in conformity with the fundamental laws of the State, and its political and commercial principles, decrees that the following resolutions shall be punctually observed:

ART. I. The Supreme Government will, as a general and un-deviating principle in its political intercourse with foreign Powers, maintain a perfect absolute equality, so that in identity of case and circumstance it will not cede to one particular nation, any privilege, immunity, or advantage of any kind which is not granted to other nations.

II. Therefore, all and every foreigner shall be allowed to come to those ports of the Republic open to foreign commerce, and pursue their mercantile transactions with perfect freedom.

III. At present, and so long as the Government shall consider that similar circumstances exist as those which caused the opening of those ports to foreigners, they shall not penetrate into other parts without special licence.

IV. Every foreigner, during his sojourn in the Republic shall enjoy the most complete liberty in his mercantile business, and in his industry or trade; will likewise enjoy the most complete protection and security, as long as he respects the authorities and laws of the State.

V. Every foreigner shall be exempt from forced military service, both on land and water; from all military exactions and requisitions and extraordinary contributions, and pay only such as are usually exacted from the natives, with the trifling difference that the law designates between native and foreigner.

VI. No foreigner shall be persecuted or molested in matters of religion, on condition that his peculiar worship shall not be public; and that he respect the State religion and its ministers, as also its public customs and usages.

VII. Foreigners are not obliged to consign their business to any person, or broker. In this respect they shall enjoy the same privileges as the native.

VIII. All capital, effects, and property of every kind belonging to foreigners resident in the territory of the Republic, whether entrusted to the State or to individuals, shall be respected, and inviolable both in time of peace and of war.

IX. In case of a rupture between the Republic and any foreign nation, the subjects or citizens of that nation resident in the dominions of the Republic, may, in conformity with the principles admitted in the foregoing Article continue to reside and pursue their commerce or industry without interruption whilst they conduct themselves properly and do not violate the existing laws and regulations.

X. A greater export duty on produce of the country shall not be exacted from foreigners than that which the natives themselves pay.

XI. The Supreme Government either in time of peace or war has the right to expel any foreigner, whose misconduct shall merit such a measure ; but sufficient time shall be granted him to arrange his affairs.

XII. Every foreigner resident in the Republic has the right of disposing of his property by testamentary will, or otherwise, as he may deem best.

XIII. The property of a foreigner dying in the territory of the Republic without having made his last will or testament, shall, as provided for by the next following Article, be secured to his heirs, *ab intestato*, or to his creditors, should any appear.

XIV. With reference to the foregoing Article, that is, if a foreigner die intestate, the judge of his district, accompanied by two respectable persons of the same nation as the deceased, or in default of them, two neighbours, shall proceed with all possible promptitude to take an exact inventory of his property, and, this being secured, they shall send the inventory with information to the Government, in order to provide a deposit for his effects according as their nature may require or admit.

XV. The death of the person shall be made known through the public papers. Any person or persons presenting themselves as heirs or creditors shall be heard according to regular process of the law.

XVI. In case no one appears to claim the property, or that delay occurs in the proceedings so as to cause a possible deterioration in the property, it shall be offered for public sale, and its proceeds deposited in the hands of the Treasurer and the Collector-General.

XVII. In the case of claimants not proving their legal right to the property, or that no claimants appear within the term of two years from the date of the publication as ordained in Article XV, the deposited property shall be adjudged to the national treasury.

XVIII. All effects given up to the legitimate descendants or ascendants of foreigners dying testate or intestate shall, on delivery, pay a duty of 5 per cent. Or if delivered to any other foreigners

In order that these resolutions be universally known, let them be published in the due and accustomed form in the national register.
Assumption, 20th May, 1845.

CARLOS ANTONIO LOPEZ
ANDRES GILL, *Secretary to the Supreme Government.*

TRAITE d'Amitié, de Commerce, et de Navigation, entre la Belgique et le Mexique.—Conclu à Mexico, le 20 Juillet, 1861.

[Ratifications échangées à Londres, le 21 Mars, 1862.]

SA Majesté le Roi des Belges, d'une part, et son Excellence le Président de la République du Mexique, d'autre part, voulant régler, étendre et consolider les relations de commerce entre la Belgique et le Mexique, et resserrer par là les rapports d'amitié qui existent entre les deux pays, sont convenus d'entrer en négociation, pour conclure un Traité propre à atteindre ce but et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le Sieur Auguste T'Kint, Chevalier de l'Ordre de Léopold, Chevalier de l'Ordre du Lion Néerlandais, son Chargé d'Affaires au Mexique ;

Et son Excellence le Président de la République du Mexique, le Sieur licencié Ezequiel Montès, Député au Congrès National ;

Lesquels après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura paix perpétuelle et amitié constante entre le Royaume de Belgique et la République du Mexique, et entre les citoyens des deux pays sans exception de personnes ni de lieux.

II. Il y aura entre la Belgique et le Mexique liberté réciproque de commerce et de navigation. Les Belges au Mexique, et les Mexicains en Belgique, pourront en toute liberté et sécurité entrer avec leurs navires et cargaisons, comme les nationaux eux-mêmes dans tous les lieux, ports et rivières qui sont, ou seront ouverts au commerce étranger, sauf les précautions de police employées à l'égard des citoyens des nations les plus favorisées.

III. Les citoyens de chacune des deux Parties Contractantes pourront, comme les nationaux sur les territoires respectifs, voyager

quand il y aura plus d'un an qu'ils seront établis sur les lieux et que les biens fonciers ou mobiliers qu'ils y posséderont présenteront une garantie suffisante.

Ils seront les uns et les autres sur un pied de parfaite égalité, libres, dans tous leurs achats, comme dans toutes leurs ventes, d'établir et de fixer le prix des effets, marchandises et objets quelconques, tant importés que nationaux, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation.

Ils jouiront de la même liberté pour faire leurs affaires eux-mêmes, présenter en douane leurs propres déclarations ou se faire suppléer par qui bon leur semblera, fondés de pouvoirs, facteurs, agents, consignataires ou interprètes, soit dans l'achat ou dans la vente de leurs biens, de leurs effets ou marchandises, soit dans le chargement, le déchargement ou l'expédition de leurs navires.

Ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leurs propres compatriotes, par des étrangers ou par des nationaux, en qualité de fondés de pouvoirs, facteurs, agents, consignataires ou interprètes.

Ils se conformeront pour tous les actes auxquels se réfère le présent Article aux lois et règlements du pays et ils ne seront assujettis, dans aucun cas, à d'autres charges, restrictions, taxes ou impôts que ceux auxquels seront soumis les nationaux, sauf les précautions de police employées à l'égard des nations les plus favorisées.

Il est, en outre, convenu que les émigrants de l'un des deux pays jouiront dans l'autre des avantages de toute nature actuellement accordés par les lois et les décrets en vigueur ou qui le seront à l'avenir aux émigrants étrangers en se soumettant aux mêmes conditions.

IV. Les citoyens respectifs jouiront dans les deux Etats de la plus constante et complète protection pour leurs personnes et leur propriété. Ils auront en conséquence un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer dans toutes les circonstances les avocats, les avoués ou agents de toute classe qu'ils jugeraient à propos de faire agir en leur nom.

Enfin, ils jouiront sous ce rapport des mêmes droits et privilèges que ceux qui sont accordés aux nationaux et ils seront soumis aux mêmes conditions.

V. Les Belges dans le Mexique, et les Mexicains en Belgique,

ou impôts que ceux auxquels seraient soumis les nationaux eux-mêmes.

VI. La liberté la plus entière de conscience et de culte est garantie aux Belges dans le Mexique, et aux Mexicains en Belgique. Les uns et les autres se conformeront pour l'exercice extérieur de leur culte aux lois du pays.

VII. Les citoyens des deux Parties Contractantes auront le droit, sur les territoires respectifs, de posséder des biens de toute espèce et d'en disposer de la même manière que les nationaux, en se conformant aux lois du pays.

Les Belges jouiront dans tout le territoire du Mexique du droit de recueillir et de transmettre les successions *ab intestat*, ou testamentaires à l'égal des Mexicains, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

Réciproquement, les Mexicains jouiront en Belgique du droit de recueillir et de transmettre les successions *ab intestat*, ou testamentaires à l'égal des Belges, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

La même réciprocité entre les citoyens des deux pays existera pour les donations entre vifs.

Lors de l'exportation des biens recueillis ou acquis à quelque titre que ce soit par des Belges dans le Mexique ou par des Mexicains en Belgique, il ne sera prélevé sur ces biens aucun droit de détraction ou d'émigration ni aucun droit quelconque auquel les nationaux ne seraient pas assujettis.

Les dispositions qui précèdent sont applicables à toutes les translations de biens en général dont l'exportation n'a point encore été effectuée.

VIII. Seront considérés comme navires Belges dans le Mexique et comme navires Mexicains en Belgique, tous les navires qui navigueront sous les pavillons respectifs et qui seront porteurs des papiers de bord et des documents exigés par les lois de chacun des deux Etats pour la justification de la nationalité des bâtiments de commerce.

IX. Les navires de chacune des deux nations contractantes qui entreront sur lest ou chargés dans les ports de l'autre ou qui en sortiront soit par mer soit par rivières ou canaux, quel que soit le lieu de leur départ ou celui de leur destination, ne seront assujettis, tant à l'entrée qu'à la sortie et au passage, à des droits de tonnage,

droits que ceux qui payent les bâtimens nationaux dans des constances semblables.

En ce qui concerne l'exercice du cabotage, les navires des deux pays seront traités de part et d'autre sur le même pied que les navires des nations les plus favorisées.

XVII. Pendant le temps fixé par les lois des deux pays, respectivement pour l'entreposage des marchandises, il ne sera perçu aucun droit autre que ceux de garde et d'emmagasinage sur les objets portés de l'un des deux pays dans l'autre, en attendant leur transit, leur réexportation ou leur mise en consommation. Ces objets, en aucun cas, ne payeront de plus forts droits et ne seront assujettis à d'autres formalités que s'ils avaient été importés sous pavillon national ou provenaient du pays le plus favorisé.

XVIII. Les objets de toute nature provenant de Belgique ou expédiés vers la Belgique jouiront, à leur passage par le territoire du Mexique, en transit direct ou par réexportation, du traitement applicable dans les mêmes circonstances aux objets venant, ou en destination, du pays le plus favorisé.

Réciproquement, les objets de toute nature provenant du Mexique ou expédiés vers ce pays jouiront, à leur passage par le territoire Belge, du traitement applicable dans les mêmes circonstances aux objets venant, ou en destination, du pays le plus favorisé.

Il est spécialement entendu que, dans le cas où une voie de communication quelconque entre les deux Océans viendrait à être établie à travers le territoire de la République du Mexique, les Belges, leurs navires, leurs marchandises, leurs correspondances et leurs propriétés de toute nature, ne pourront être assujettis à des droits, péages, charges ou formalités autres que ceux auxquels ils seront assujettis, dans les mêmes circonstances, les citoyens, les navires, les marchandises, les correspondances et les propriétés de tout autre pays, quel qu'il soit.

XIX. Ni l'une ni l'autre des Parties Contractantes n'imposera sur les marchandises provenant du sol, de l'industrie ou des entrepôts de l'autre partie, d'autres ni de plus forts droits d'importation ou de réexportation que ceux qui seront imposés sur les mêmes marchandises provenant de tout autre Etat étranger.

Il ne sera imposé sur les marchandises exportées d'un pays vers l'autre, d'autres ni de plus forts droits que si elles étaient exportées vers tout autre pays étranger.

Pareillement, aucune prohibition d'importation ou d'exportation de quelque article que ce soit n'aura lieu dans le commerce ré-

Opérations relatives au sauvetage des navires naufragés ou échoués sur les côtes du Mexique seront dirigées par les Agents Consulaires de Belgique et réciproquement, les Agents Consulaires du Mexique dirigeront les opérations relatives au sauvetage des navires de leur nation, naufragés ou échoués sur les côtes de Belgique.

Toutefois, si les parties intéressées se trouvent sur les lieux où les capitaines sont munis de pouvoirs suffisants, l'administration des naufragés leur sera remise.

L'intervention des autorités locales aura seulement lieu pour maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Agents Consulaires, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les marchandises sauvées ne seront jamais assujetties à aucun droit de douane ou autre, à moins qu'elles ne soient admises à la consommation intérieure.

XXIV. Les navires, marchandises ou effets appartenant aux citoyens respectifs qui auraient été pris par des pirates et qui seraient conduits ou trouvés dans les ports de l'une ou de l'autre Partie Contractante seront remis à leurs propriétaires en payant, s'il y a lieu, les frais de reprise qui seront déterminés par les tribunaux compétents lorsque le droit de propriété sera prouvé devant ces tribunaux et sur la réclamation qui devra en être faite dans le délai d'un an, par les intéressés, par leurs fondés de pouvoirs ou par les Agents des Gouvernements respectifs.

XXV. Si l'une des Parties Contractantes entre en guerre avec un Etat quelconque, les citoyens de l'autre partie pourront continuer leur commerce et leur navigation avec ce même Etat à l'exception, toutefois des villes ou ports qui seraient assiégés ou bloqués par terre ou par mer.

Pour être obligatoire, le blocus devra être effectif, c'est-à-dire, maintenu par une force suffisante pour interdire réellement l'accès de l'endroit bloqué.

Prenant en considération l'éloignement des Etats des Parties Contractantes et l'incertitude qui en résulte sur les divers événements qui peuvent avoir lieu des deux côtés, il est convenu qu'un bâtiment qui tentera d'entrer dans un port assiégé ou bloqué, sans avoir connaissance du siège ou du blocus, pourra se diriger avec sa cargaison vers tout autre lieu qui lui paraîtra convenable; à moins

TRAITE de Navigation et de Commerce, entre la Belgique et la Porte Ottomane.—Conclu à Constantinople, le 10 Octobre, 1861.

[Ratifications échangées à Constantinople, le 1 Février, 1862.]

Sa Majesté le Roi des Belges, d'une part, et Sa Majesté Impériale le Sultan, de l'autre part, étant également animés du désir d'étendre les relations commerciales entre leurs Etats respectifs, sont convenus, à cet effet, de conclure un Traité de Commerce et de Navigation, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. Gaston Errembault de Dudzele, son Ministre Résidant près la Sublime Porte, Officier de l'Ordre de Léopold, décoré de l'Ordre Impérial du Medjidié de la seconde classe, Chevalier de deuxième classe de l'Ordre de la couronne de Fer, Chevalier de l'Ordre de la Branche Ernestine de la maison de Saxe ;

Sa Majesté Impériale le Sultan, Mehemmed Esaad Safvet Effendi, Ministre du Commerce, de l'Agriculture et des Travaux Publics, décoré de l'Ordre Impérial du Medjidié de la première classe, Grand-Croix de l'Ordre d'Isabelle la Catholique d'Espagne, Grand-Cordon de l'Ordre du Lion et du Soleil de Perse, Grand-Croix de l'Ordre du Sauveur de Grèce, et de plusieurs autres ordres étrangers ;

Et Mehemmed Djèmil Bey, Ministre *ad interim* des Affaires Etrangères, Grand Chancelier du Divan Impérial, décoré de l'Ordre Impérial du Medjidié de la première classe, Grand-Croix de l'Ordre de l'Aigle Blanc de Russie, des Saints-Maurice et Lazare d'Italie ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Tous les droits, privilèges et immunités qui ont été conférés aux sujets et aux bâtimens Belges par les capitulations et les Traités antérieurs, sont confirmés, à l'exception des clauses desdits Traités et desdites capitulations que le présent Traité a pour objet de modifier, et il est, en outre, expressément entendu que tous les droits, privilèges et immunités que la Sublime Porte accorde à

ables au moment de l'exportation.
Tout article qui aura déjà payé le droit d'exportation n'y sera plus soumis dans une partie quelconque du territoire Ottoman, quand même il aurait changé de mains.

Il est, en outre, convenu que le droit précité de 8 pour cent sera abaissé chaque année de 1 pour cent, jusqu'à ce qu'il ait été réduit définitivement à une taxe fixe de 1 pour cent *ad valorem*, destinée à couvrir les frais généraux d'administration et de surveillance.

V. Tout article, produit du sol ou de l'industrie de la Turquie, quel que soit le lieu de provenance, importé par terre ou par mer dans les Etats de Sa Majesté le Roi des Belges, et réciproquement tout article produit du sol ou de l'industrie de la Belgique, quel que soit le lieu de provenance, importé par terre ou par mer dans les Etats de Sa Majesté Impériale le Sultan, ne sera soumis dans les Etats de Sa Majesté le Roi des Belges, ou dans les Etats de Sa Majesté Impériale le Sultan, à des droits autres ou plus élevés que ceux qui sont ou pourraient être payables lors de l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger.

De même, aucune prohibition ne frappera l'importation d'aucun article, produit du sol ou de l'industrie des Etats de l'une ou de l'autre des Parties Contractantes, qui ne s'étende à l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger.

Sa Majesté Impériale s'engage, en outre, sauf les exceptions ci-après, à ne prohiber l'importation dans ses Etats d'aucun article, produit du sol ou de l'industrie de la Belgique, quel que soit le lieu de provenance, et à ce que les droits à percevoir sur les articles, produits du sol ou de l'industrie de la Belgique, importés dans les Etats de Sa Majesté Impériale le Sultan, n'excèdent, en aucun cas, un droit unique et fixe de 8 pour cent *ad valorem*, ou un droit spécifique équivalent fixé de commun accord.

Ce droit sera calculé sur la valeur des marchandises à l'échelle et payable au moment de leur débarquement, si elles arrivent par mer, et au premier bureau de Douane, si elles arrivent par voie de terre.

Si ces marchandises, après avoir acquitté le droit susdit de 8 pour cent, sont vendues, soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit ni du vendeur, ni de l'acheteur. Mais si, n'étant pas vendues pour la consommation de la Turquie, elles étaient réexportées dans l'espace de 6 mois, elles seront considérées comme marchandises de transit et traitées comme il est dit ci-dessous à l'Article XII. L'administration des Douanes serait dans

étrangers auquant des marchandises provenant du serod de l'industrie de leur propre pays.

XIV. Par exception aux stipulations de l'Article V, le tabac sous toutes ses formes et le sel cessent d'être compris au nombre des articles que les sujets Belges ont la faculté d'importer dans l'Empire Ottoman. En conséquence, les sujets Belges ou leurs ayants cause qui achèteront ou vendront du sel et du tabac pour la consommation de la Turquie, seront soumis aux mêmes règlements et acquitteront les mêmes droits que les sujets Ottomans parmi ceux qui se livrent au commerce de ces deux articles ; et en outre, comme compensation de la prohibition de l'importation des deux produits susdits, aucun droit ne sera perçu à l'avenir sur ces deux articles quand ils seront exportés de la Turquie par des sujets Belges.

Les sujets Belges seront néanmoins tenus de déclarer aux autorités de la Douane la quantité de tabac et de sel exportée, et lesdites autorités de la Douane conserveront, comme par le passé, le droit de surveiller l'exportation de ces articles, sans pouvoir pour cela être autorisées à les frapper d'aucune taxe sous un prétexte quelconque.

XV. Il est entendu entre les deux Hautes Parties Contractantes que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre, des canons, des armes de guerre ou munitions militaires dans les Etats de l'Empire Ottoman.

Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officiellement notifiée, et ne pourra s'étendre que sur les articles spécifiés dans le décret qui les interdit. Celui ou ceux de ces articles qui ne seront pas ainsi prohibés, seront assujettis, lors de leur débarquement dans un port Ottoman, aux règlements locaux, sauf les cas où la légation de Sa Majesté le Roi des Belges demanderait une permission exceptionnelle, laquelle sera accordée, à moins que des raisons sérieuses ne s'y opposent. La poudre en particulier, si son introduction est permise, sera assujettie aux obligations suivantes :

1°. Elle ne sera point vendue par les sujets de Sa Majesté le Roi des Belges au delà de la quantité prescrite par les règlements locaux ;

2°. Quand une cargaison ou une quantité considérable de poudre arrivera dans un port Ottoman à bord d'un bâtiment Belge, ce bâtiment sera tenu de mouiller sur un point particulier désigné par les autorités locales et de débarquer sa poudre sous l'inspection de ces mêmes autorités dans des entrepôts ou autres endroits égale-

chasse, les pistolets, les armes de luxe ainsi qu'une petite quantité de poudre de chasse réservée à l'usage privé.

XVI. Les firmans exigés des bâtimens marchands Belges à le passage dans les Dardanelles et dans le Bosphore leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

XVII. Les capitaines des bâtimens de commerce Belges ayant à leur bord des marchandises à destination de l'Empire Ottoman seront tenus de déposer à la douane, immédiatement après leur arrivée au port de débarquement, une copie exacte de leur manifeste.

XVIII. Les marchandises introduites en contrebande seront passibles de confiscation au profit du trésor Ottoman ; mais un rapport ou procès verbal du fait de contrebande allégué devra, aussitôt que lesdites marchandises auront été saisies par les autorités, être dressé et communiqué à l'autorité Consulaire du sujet étranger auquel appartiendront les marchandises suspectes ; et nulle marchandise ne pourra être confiée comme contrebande tant que la fraude n'aura pas été dûment et légalement prouvée.

XIX. Les marchandises, produits du sol ou de l'industrie de l'Empire Ottoman, importées en Belgique, seront traitées comme les produits similaires des pays les plus favorisés.

Tous les droits, privilèges et immunités que le Gouvernement Belge accorde aujourd'hui ou pourrait accorder ou dont il permettrait la jouissance à l'avenir aux sujets, aux bâtimens, au commerce et à la navigation de toute autre puissance étrangère, seront également accordés aux sujets, aux bâtimens, au commerce et à la navigation Ottomans qui en auront de plein droit l'exercice et la jouissance.

XX. Le présent Traité, lorsqu'il aura été ratifié, remplacera la Convention conclue entre les Hautes Parties Contractantes, le 30 Avril, 1840, et sera valable pour 28 ans, à partir $\frac{1}{3}$ Mars, 1862. Toutefois, chacune des Hautes Parties Contractantes se réserve la faculté de proposer, au bout de la 14^{ème} ou de la 21^{ème} année, les modifications que l'expérience aura suggérées ou de le dénoncer ; et, dans ce dernier cas, le Traité cessera de lier les Parties Contractantes au bout d'un an, à partir de la date de la dénonciation.

Le présent Traité sera exécutoire dans toutes les provinces de l'Empire Ottoman, c'est-à-dire dans les possessions de Sa Majesté Impériale le Sultan situées en Europe, en Asie, en Egypte et dans les autres parties de l'Afrique appartenant à la Sublime

Porte, en Servie et dans les principautés unies de Moldavie et de Valachie.

XXI. Il demeure entendu que le Gouvernement de Sa Majesté le Roi des Belges ne prétend, par aucun des Articles du présent Traité, stipuler au delà du sens naturel et précis des termes employés, ni entraver en aucune manière le Gouvernement de Sa Majesté Impériale le Sultan, dans l'exercice de ses droits d'administration intérieure, en tant toutetefois que ces droits ne porteront pas une atteinte manifeste aux stipulations des anciens Traités et aux privilèges accordés par le présent Traité aux sujets Belges ou à leurs propriétés.

XXII. Les Hautes Parties Contractantes ayant récemment nommé des Commissaires qui ont établi conjointement le prix des marchandises de toute espèce provenant du sol ou de l'industrie de la Belgique, importées dans les Etats de Sa Majesté Impériale le Sultan, ainsi que des articles de toute sorte, produits du sol ou de l'industrie de la Turquie, que les commerçants Belges ou leurs ayants cause sont libres d'acheter dans toutes les parties de l'Empire Ottoman, pour les transporter soit en Belgique, soit en tout autre pays, le tarif des droits de Douane à percevoir conformément au présent Traité, sera fixé d'après ces prix établis de commun accord. Le nouveau tarif à établir de la sorte restera en vigueur pendant 7 ans, à dater du $\frac{1}{15}$ Mars, 1862.

Chacune des Hautes Parties Contractantes aura le droit, pendant l'année qui précédera l'expiration de ce terme, d'en demander la révision. Mais si à cette époque ni l'une ni l'autre n'usent de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années, à partir du jour où la première période aura été accomplie, et il en sera de même à la fin de chaque période successive de 7 années.

XXIII. Le présent Traité sera ratifié, les ratifications en seront échangées à Constantinople, dans l'espace de deux mois ou plus tôt, si faire se peut, et il sera mis en exécution à partir du $\frac{1}{15}$ Mars, 1862.

Fait à Constantinople, le 10 du mois d'Octobre, de l'an, 1861.

(L.S.) G. ERREMBULT DE DUDZEELE.

(L.S.) E. SAFVET.

(L.S.) MEHEMMED DJEMIL.

Relativement à l'Article XVIII du Traité de Commerce entre Sa Majesté le Roi des Belges et Sa Majesté Impériale le Sultan, signé le 10 Octobre, 1861, il est entendu que s'il y a une réclamation de la part du propriétaire de marchandises réputées contrebandes et saisies et déposées à la Douane comme telles, cette réclamation, avant toute décision définitive, sera examinée et jugée devant le tribunal de commerce ou un tribunal spécial établi de consente-

Article VII. The restriction contained in the first sentence of **Article XXXVI** does not apply here.

Every one is excluded from election who is related to a member of the Senate in the ascending or descending line, or as brother, uncle, or nephew, or by marriage, as step-father, step-son, father-in-law, son-in-law, wife's brother, or sister's husband. In cases of relationship by marriage, it makes no difference whether the marriage through which it arose still exists or not.

IX. The members of the Senate are elected by the corporation from a selection of two persons. To effect this selection the Senate and the Corporation choose respectively 4 of their members by relative majority of votes as trusty men, who are then sworn to secrecy.

The 8 trustees have to make a selection of 4 persons in the following manner:

Each trustee specifies the persons who appear to him suitable, and from those so proposed a larger selection is then to be made after careful discussion concerning them. From this larger selection 4 persons are to be chosen for the smaller one by secret voting. The corporation trustees cannot be included in the selection. At least 5 votes are required to include any one in the selection.

If these cannot be obtained for 4 candidates after repeated voting, then notice is to be given to the Senate and the corporation that the trustees have not succeeded in making the selection, without stating whether any candidates at all, or how many, have been already chosen for the selection.

Eight new trustees are then to be elected as before, 4 by the Senate, and 4 by the corporation, and they are to be sworn.

This new commission receives a statement signed by all the members of the first commission, and then sealed up, to be opened by the new one, containing the names of the persons already chosen for the selection; or a communication that no one has obtained the requisite number of votes. The new commission proceeds in the same manner as the first, either to complete the selection, or to make it altogether, as the case may be.

Should this second commission also fail to arrive at a satisfactory result, then the two commissions, that is, 8 trustees of the Senate, and 8 of the corporation, unite. These have then to elect the candidates still required. Only one candidate is to be elected at each vote. For this purpose each trustee writes the name of a candidate on a slip of paper. In this the relative majority of the voters is sufficient to include a candidate in the selection. The voting is repeated as often as necessary.

When a chosen selection of 4 persons has been made in this manner, it is delivered to the Senate by its Commissioners, without letting it know how the candidates severally have been included in

tion, this does not prevent his taking part in the further formation of the chosen selection. In such a case notice of the chosen selection is to be given to the Senate at the delivery of the chosen selection and if the trustee should be one of the selection which the Senate delivers to the corporation, notice of the fact is also to be given to the latter.

The observance of secrecy extends so far that neither the trustee on either side, nor the members of the Senate, may in any way make it known who were the 4 persons included in the selection, so that it is only the two persons in the smaller selection who are known.

The election, which is to be made by the corporation immediately after the delivery of the chosen selection, is by means of voting papers. The person who is to be elected must obtain the absolute majority of the votes of the members of the corporation who are present. Upon an equality of votes, another voting takes place; and if this also give an equality, the question is decided by lot.

The whole election proceedings take place in one uninterrupted sitting both of the Senate and the corporation.

The person elected as member of the Senate must undertake the office, on pain of losing his civic rights in the State, and the right of carrying on any civic business in the city or territory.

X. The senators fill their offices for life, with the following restrictions:

After holding the office for at least 6 years, every member of the Senate has a right to seek to be relieved from the duty, but without having any claim to a pension.

If the retiring member have completed the 60th year of his age, and have filled the office for at least 10 years, then he is to enjoy a pension to the amount of half his honorarium.

Every member of the Senate who has passed the 70th year of his age is entitled to retire from the Senate with a pension amounting to two-thirds of his honorarium.

XI. The law determines the cases in which a member of the Senate must retire.

XII. A vacancy in the Senate is to be regularly filled up within 14 days.

XIII. No other public office can be united with that of a member of the Senate. Members of the Senate may continue in another avocation, excepting that of an advocate or a notary, pro-

Constitution nor the laws direct otherwise thereon.

XXVII. The members of the Senate are answerable to the State, that neither the Constitution nor the laws of acknowledgment be violated by their official proceedings.

A law will determine with regard to the extent and the enforcement of this liability, and the participation of the corporation in such enforcement, as well as in regard to the competent courts in such cases.

Claims by private persons on administrative authorities and official servants are provided for by Article LXXXIX.

SECTION 3.—*The Corporation (Bürgerschaft).*

XXVIII. The corporation consists of 192 members.

XXIX. Of these 84 members are elected by direct general suffrage and secret vote. In this election all citizens in town and country are called upon to take part who are full 25 years of age, pay a property or income tax, and are not in arrear therewith at the time appointed for the election. The further details and the mode of election are determined by the election-law.

XXX. The other 108 members consist:

1. Of 48 landed proprietors as such, who are elected by secret vote by and from among the proprietors of such landed estates in the city or the suburbs, as, according to the land-tax returns, exceed in net value at least the sum of 3,000 marks specie. The electors must be full 25 years of age. The election is by districts according to the special directions of the election-law.

2. Of 60 deputies of the courts, of the deputations and colleges, which according to the Constitution preside over the more important branches of the administration, and of the elders of the incorporated trades assembled as an electing college for this purpose. The election is made by the respective courts, deputations, colleges and elders. The members of the Senate in the deputations and colleges have, however, no vote in this election. The details are determined by the election-law. If new administrative authorities or deputations, for the trades, for example, should hereafter be created by the Legislature, then an enactment will have to be passed respecting their participation in the corporation, and a corresponding further distribution of these 60 deputies among the various electing colleges.

XXXI. The following are excluded from the exercise of the suffrage:

On the day that the partially renewed corporation assembles the functions of the previous corporation cease.

XLII. A member of the corporation who loses his eligibility retires from the corporation. The members elected by the county deputations, colleges, and elders retire as soon as they give up office by virtue of which they are members of the corporation.

XLIII. When vacancies occur the Senate orders the new election, which is only for the remainder of the time for which the member was elected. On vacancies among the members elected by general suffrage and by the landed proprietors, occurring in the last six months before the regular partial renewal of the corporation (Article XXXVIII), the new elections may be put off for a time if the Senate and corporation be of the same mind thereon.

XLIV. The members of the corporation serve gratuitously. XLV. The corporation may pass resolutions when more than 100 members are present. The business regulations determine as to the competency for fixing the time of sitting, order of the day, and other questions relating to the proceedings.

XLVI. The sittings of the corporation are public. By way of exception, the corporation assembles in secret session at the request of at least 10 members, or of the Senate, and then after hearing the motion for which the secret sitting has been requested, it decides whether the sitting for the proceeding on the matter in question shall continue a secret one.

A motion of the Senate for a secret sitting must, when it relates to foreign affairs, be at once acceded to by the corporation. The sittings are also secret, by way of exception, when the Civic Committee accedes to the Senate's motion for a secret sitting from considerations of delicacy or state welfare.

XLVII. The business regulations determine the manner of voting in the corporation; but the voting must be secret in case at least 10 members require it.

XLVIII. No member of the corporation can be made accountable to the State for his speeches or votes in the corporation or its committees.

The corporation has to proceed against its members by way of discipline and in accordance with the business regulations, for non-fulfilment of duties or breaches of order.

XLIX. A copy of the report of the corporation's proceedings is to be communicated to the Senate as soon as possible.

L. The corporation is convened through its chancery:

court of justice or of the finance deputation. The non-fulfilment of this obligation has the same consequences as in election to the corporation (Article XXXIV).

LVII. The Civic Committee is summoned by its presidents or by the Senate

LVIII. The Civic Committee may pass resolutions so soon as at least 12 members are present.

LIX. The sittings of the Civic Committee are not public.

LX. The Civic Committee is competent:

1. To give its joint sanction, on the proposition of the Senate, to extraordinary expenses not inserted in the budget, to the total amount allowed in the budget for unforeseen expenses; also to such alienations of the State property, not in the regular way of the administration, as do not exceed the sum of 3,000 marks banco;

2. To give its joint sanction in urgent cases to legal dispositions of slight importance, pending the subsequent assent of the corporation;

3. To require information from the Senate on State affairs; the corresponding obligation of the Senate suffers an exception in pending negotiations on foreign affairs;

4. To cause the convocation of the corporation;

5. The Civic Committee is bound to watch over the upholding of the Constitution and of the enactments bearing upon public law. The Civic Committee has to bring any violations thereof, if applications to the Senate have not already satisfactorily disposed of them, before the corporation for consideration and for the eventual adoption of further measures in the manner prescribed for the proceedings of the Legislature.

SECTION 5.—*The Legislation.*

LXI. The legislation depends on the concurrent resolution of the Senate and the corporation.

The right of proposal belongs both to the Senate and corporation.

The Senate promulgates the laws, executes them, and issues the necessary ordinances for carrying them out.

LXII. The following are specially subjects of legislation:

The enactment, authentic interpretation, amendment and repeal of laws upon matters of public and private right;

The establishment or amendment of the business regulations of the Senate, the corporation, and the Civic Committee;

The imposition, prolongation, alteration or repeal of taxes and duties;

The raising of State loans;

The alienation of State property, which does not already lie in

The expropriation of private property ;

The approval of the total and the items of the estimates of the whole income and expenditure of the State for the next year, which the Senate has to submit to the corporation with the particulars ; likewise of any supplementary grants ;

The ratification of Treaties of Commerce, and of other State Treaties.

LXIII. After the expiration of each financial year the Senate has to submit, as soon as possible, the accounts of the receipts and expenditure for the preceding year to the corporation for examination.

LXIII. The assembling of the Senate and of the corporation may take place independently of each other.

The reciprocal official communications are made in writing ; in so far as they are intended for discussion in public assembly of the corporation, they are, as a rule, printed.

The Senate can, when it thinks fit, depute Commissioners appointed from its own body or otherwise, to the meetings of the corporation, who are then entitled to take part in the discussions, and to whom at their request the right of speaking is always to be granted. On the other hand the Senate is bound, at the desire of the corporation, to depute Commissioners to give information on a special subject to be previously defined ; but the Senate's Commissioners have a right to put off the required information to a later meeting of the corporation. The required information may be given by word of mouth or in writing, as the Senate may think fit. The corresponding obligation of the Senate suffers an exception in regard to pending negotiations on foreign affairs.

LXV. In the preparation of the motions to be brought before the corporation the Senate will, as far as possible, consult the respective administrative deputations.

LXVI. When a motion is made by one or more members of the corporation relative to a matter to be brought before the Senate by the corporation, the latter has, after the Civic Committee has given its opinion, to decide whether the motion is to be taken into consideration.

There is no proceeding on the question of taking into consideration, when the Senate makes propositions to the corporation.

LXVII. The corporation may submit a proposal which it has resolved to take into consideration, or which has been sent to it from

the Senate, to a preparatory examination by a committee or in any other suitable way.

LXIII. Every proposition which is laid by the Senate before the corporation, or which the latter has resolved to take into consideration (Article LXVI), is to be submitted twice to discussion and vote, before it is to be considered as adopted by the corporation, in case that at the first voting two-thirds of all the members who take part therein, and more than half of all the members of the corporation have not declared in favour of the proposal.

The second discussion can only begin at soonest 14 days after the ending of the first, in case at least two-thirds of all present, and more than half of all the members of the corporation do not decide on shortening this delay. But even in this case the second discussion must not begin sooner than the third day after the ending of the first.

On proposals of the Senate the second discussion and voting may be omitted, if the corporation, especially on considerations of urgency, shall so decide by simple majority of the members present.

LXIX. If the proposition of the Senate be not adopted at once, but only with modifications and conditions, and the Senate resolves to agree thereto, this may be done by a simple communication to the civic committee, and the concurrent resolution of the Senate and the corporation be thus effected (Article LXI). The same abridgement of the proceedings may take place when the Senate sanctions without alteration an independent proposal of the corporation.

When a proposal of the Senate is rejected by the corporation or a proposal of the corporation by the Senate, each party is at liberty to renew the proposal in the same or in an altered form, until one party or the other moves for a mediating deputation (Article LXX). The same is the case when a proposal is adopted with modifications or conditions to which the other party will not agree.

LXX. If, in the proceedings on the repeated proposals, there appear a persistent difference of opinion between the Senate and the corporation, a deputation is appointed of 9 members (unless any other number be agreed on) consisting of one-third members of the Senate and of two-thirds members of the corporation, and this deputation has to discuss and report on propositions for mediation.

LXXI. If the difference of opinion should not be arranged after the Senate and the corporation have again discussed the matter on the report to be furnished or the propositions to be made by this deputation, the course to be taken is as follows, according to the nature of the subject:

1. If the difference of opinion relate to the interpretation of the Constitution or of laws, or to a right asserted by the Senate or

to be decided by the Supreme Court of Appeal of the 4 free cities at Lubeck, and both the Senate and the corporation are entitled to require that this decision be taken.

2. If the difference of opinion relate to another subject on which the joint resolution of the Senate and the corporation is required, then the matter remains unsettled until they come to reciprocal understanding. But if both parties agree that the decision cannot be put off without essential injury to the commonweal, whilst it is only as to the method that they cannot concur, then the matter is to be settled by the award of the deciding deputation described in the following Articles.

If the question relates to the prolongation or renewal of a law passed only for a fixed period, and if the appointment of a deciding deputation be resolved upon before the expiration of that period, then the law is to be considered as prolonged until the decision be given.

No alteration of the Constitution or of any legal enactments by which rights appertaining to the Senate or the corporation have been established, can ever be introduced by the award of a deciding deputation.

LXXII. The deciding deputation consists of an equal number of members of the Senate and of the corporation, and as a rule, of 16 members, 8 from each side. This number may be increased or lessened by mutual consent.

The members from the Senate are chosen by lot, out of all the members of the Senate present in Hamburg.

The corporation members are chosen as follows:

The whole of the corporation members present are separated by lot into so many divisions, as equal in numbers as possible, as there are corporation members to be chosen for the deputation. Each of these divisions elects from its own body a member for the deputation, by voting papers and an absolute majority of votes. If any chance equality of votes cannot be altered by repetition of the voting, the decision is by lot.

The formation of the deciding deputation takes place at a joint sitting of the Senate and the corporation appointed by the Senate, and the lots for the choice of members of the Senate for the deputation are drawn by the youngest member of the civic committee, while those for the electing divisions of the corporation are drawn by the youngest member of the Senate.

LXXIII. At the same joint sitting of the Senate and corpo-

ration, or, if all the members of the Senate, chosen for the deputation, should not be present, at another sitting appointed for the purpose by the Senate, the following oath is administered to all the members of the deputation by the President or Vice-President of the Senate, or, if these should themselves be in the deputation, by the oldest member of the Senate who is not therein :

"I promise and swear to God Almighty that, in the matter remaining unsettled between the Senate and the corporation by reason of their difference of opinion, to the decision of which I am constitutionally called, I will in my vote and award have only the general good before my eyes, act only according to the best of my knowledge and conscience, not allow myself to be led or determined either by friendship or by enmity towards the Senate or the corporation or the individual members thereof, nor yet by the order, authority, or persuasion of any other person whatever, much less then by the private advantage of myself or of those belonging to me, but so do and act as I shall find it in my conscience advantageous to the State, and answerable before God; and also that whatever I myself or my fellow Deputies vote, do, and allow in the matter committed to us for decision, I will never reveal it to any man whatsoever in or out of the Senate and the corporation, but take it all as a strict secret with me to the grave. So help me God."

LXXIV. The deciding deputation so chosen and sworn, of which the first member of the Senate belonging thereto is President, has to decide the disputed matter conclusively by a resolution passed by absolute majority of votes in secret session, within 14 days after it has been sworn. The resolution passed by the deputation for such decision has, without anything further, quite the same force and validity as a resolution of the Senate and corporation. It is to be written out in two copies of the same tenor, and to be signed by all the members, and, after one copy has been delivered to the President of the Senate and the other to the chairman of the corporation by a member of the deputation, it is to be published by the Senate.

Should the deputation not succeed, even by putting the question repeatedly, in setting aside any equality of voting that may occur, then a sub-deputation of 5 members is chosen by lot, in such a manner that all the members of the deputation without distinction, whether they belong to the Senate or the corporation, are included in the lots, and 5 names are drawn therefrom. The majority of the votes of these 5 sub-deputies decides conclusively on the points upon which there was an equality of votes in the deputation.

LXXV. All members of the Senate or of the corporation, who are chosen as members of the deputation and of the sub-deputation, when there is one, are bound to undertake the functions on pain of

losing their civic rights in the State, and the right of carrying on any civic business in city or territory. The obligation of appearing at the sittings can only be excused by illness medically attested, cases of affliction, and other similar causes of prevention, the validity of which is decided by the members of the deputation who are present. On continued prevention of a member, a substitute is chosen respectively by the Senate in the same way as before, or by the corporation through the electing division concerned, which assembles again for this purpose.

Neither the deputation nor the sub-deputation can pass a resolution unless all the members are assembled.

No member of the deputation can withhold his vote when the question is put.

Neither the deputation nor any member thereof can be called to account for the resolution that has been passed or the vote that has been given.

LXXVI. Should the Senate and the corporation come to diverse conclusions as to whether the difference of opinion be of the kind to be referred to the Supreme Court of Appeal, as described in Article LXXI, 1, or of that to be referred to a deciding deputation, as described in 2, then the decision of the Supreme Court of Appeal is to be taken thereon; and that court, even when it declares itself competent to entertain the matter, will at first confine itself to that decision only, without entering into the matter itself.

LXXVII. The laws passed by common accord of the Senate and the corporation, or enacted in the manner described in Articles LXXII to LXXV, are to be promulgated by the Senate within 14 days.

SECTION 6.—*The Administration.*

LXXVIII. The State administration is separated into several divisions according to the nature of the business, and according to the measure of the needs. The number of these divisions, and their respective spheres of operation have to be determined by law.

LXXIX. The Senate appoints one of its members to preside over each of these administrative divisions; with whom one or two members of the Senate may also be associated as coadjutors. A change of persons may also be made when circumstances render it necessary.

LXXX. The Legislature directs for what branches of the administration there shall be deputations. The latter are composed of the members of the Senate thereto appointed, and a number of citizens. The law determines how far paid officials can be members of such deputations.

LXXXI. The civic members of the deputations fill their offices

for a number of years to be determined by law, and perform their duties gratis.

The election of these members is regulated by Article LII.

LXXXII. All those who are not eligible for the corporation, as well as judges learned in the law, are excluded from election as members of a deputation.

LXXXIII. Every citizen is, except in the cases described in Article LXXXIV, bound to accept the election to a deputation and to hold the office for the legal term, with reservation of demission by the corporation, or by the legislative power, if the member of deputation in question was not elected by the corporation. The non-fulfilment of this obligation has the same consequences as on the election to the corporation (Art. XXXIV).

A member who becomes ineligible for the corporation must retire from the deputation.

LXXXIV. Those who on the day of the election-proceedings have passed the 60th year of their age are not bound to accept the election to a deputation or a court of law, nor are those who have already been members of the same deputation, of the same court of law, or belong to the civic committee. Neither is any one bound to be a member of two deputations or two courts of law, or of a court of law and a deputation at the same time. The law determines what elections require the retirement of the person elected from other deputations or courts of law of which he is a member, or entitle him to such retirement.

LXXXV. A member of the Senate presides over each deputation; this, however, is not necessary in the separate divisions of the deputations.

LXXXVI. Each deputation passes its resolutions by absolute majority of votes. But the chairman of the deputation is bound, if any resolution runs, in his opinion, counter to the Constitution or to a law, to protest against it and to bring the matter before the Senate, which latter then decides upon the objection raised, without prejudice to the right of the deputation to bring the matter before the civic committee for the commencement, if necessary, of the proceedings described in Article LX, 5.

LXXXVII. Each member of the deputation is answerable to the State, in accordance with the legal enactments, for the discharge of the official duties incumbent on him individually; the chairman, moreover, that the resolutions of the deputation do not violate the Constitution.

LXXXVIII. The Senate decides in last instance upon complaints in administrative affairs, without prejudice to the judicial decision in the case prescribed in Art. LXXXIX.

LXXXIX. The administrative authorities may be sued at law

concerned.

The law determines the further particulars, and especially the preventive measures against the abuse of this right.

X.C. The separate deputations have the right of making proposals to the Senate upon the matters falling within their spheres of operation, and are bound to report and give their opinion to the Senate upon such matters when laid before them.

XCI. Each branch of the administration has to send in its special budget for the next year, and its statements of the receipts and expenditure for the past year to the Senate, in such time that the latter may be enabled to lay the general budget and the complete yearly accounts before the corporation in due time.

XCII. The board which has the administration of the principal State funds must never issue to another board a larger sum than the total which has been constitutionally granted to the latter. Exceptional enactments for the beginning of the year of account, in case the budget should not then be settled, are reserved for the Legislature.

XCIII. For the promotion of the interests of commerce the merchants elect a committee, and those engaged in industrial occupations elect a committee for the promotion of industrial interests. The mode of election, the sphere of operation of these committees, and their relations to the State authorities will be settled by the Legislature.

XCIV. All charitable foundations and benevolent institutions are under the superior supervision of the State. The law determines the particulars.

SECTION 7.—*The Administration of Justice.*

XCV. The judicial power can only be exercised by the legally established courts of justice.

XCVI. The administration of justice by the Administration ceases; the courts of justice decide upon all violations of the law, unless the parties to an administrative affair freely submit to the decisions of the Administrative Board, or exceptions be made by future legislation.

The police has no power to inflict penalties.

XCVII. In case of doubt whether a matter is to be settled by the Administration or by way of law, the legal judicial decision thereon is binding for all authorities. Whether there shall be a special

course of proceeding for such doubtful cases is reserved for the Legislature.

Preliminary measures by the administrative authorities under urgent circumstances, in an unsettled matter, are not, however, excluded hereby.

XCVIII. Judicial proceedings are to be public and by word of mouth.

The publicity can only be restricted in individual cases wherein morality might be endangered; the proceeding by word of mouth, where special circumstances make it necessary, by decision of the court of law.

XCIX. In penal cases the proceeding is to be by indictment.

C. In serious penal cases, as well as all indictments for political offences, juries are to decide.

CI. The civic administration of justice, should there appear to be any necessity for it, is to be jointly exercised in cases of special professional experience by practical judges chosen by their professional brethren. In particular, there will be a tribunal of commerce and a tribunal of industry.

CII. In the other tribunals consisting of various members, the members not learned in the law also take part in the decision.

CIII. The members of the tribunals who are learned in the law have a legally fixed salary, hold their offices for life, and cannot exercise any other profession at the same time.

CIV. The Legislature has to decide upon the mode of electing the judges, and also upon the cases and forms in which a judge is to be superannuated on account of bodily or mental infirmity, or to be removed from his post for unworthiness.

CV. Every citizen is bound, except in the cases described in Article LXXXIV, to accept his election to a tribunal as a member not learned in the law, and to hold that office during the legal period, with reservation of his demission by the corporation, or by the legislative power, if he have not been elected by the corporation.

The non-fulfilment of this obligation has the same consequences as on election to the corporation (Article XXXIV).

CVI. Peace tribunals for the decision of disputes of minor importance and for preliminary endeavours to settle important cases, are to be introduced by the Legislature in the country districts.

CVII. The members of the tribunals have, upon entering on their office to take an oath that they will perform their official duties faithfully.

CVIII. The Legislature has to decide upon the details in regard to the judicial authorities, their organization, procedure, and competency, as well as for the regulation of the administration of justice for the bailiwick of Ritzebüttel.

CIX. The enactments of this section have no application to the Supreme Court of Appeal, common to this and the other three free German cities.

SECTION 8.—*The Religious Communities.*

CX. Complete freedom of belief and conscience is guaranteed.

The enjoyment of civil and political rights is neither dependent upon nor restricted by religious opinions.

Religious opinions must not interfere with civil and political duties.

The law decides upon the conditions for the formation of new religious communities.

The religious communities at present legally existing, and those to be hereafter formed, manage their own affairs independently, but under the supreme supervision of the State.

SECTION 9.—*Public Instruction.*

CXI. The State exercises the supreme direction and supreme supervision over all that relates to instruction and education, by means of a chief educational board. The details are determined by law.

CXII. The system of instruction is to be ordained by law.

SECTION 10.—*The Armed Force.*

CXIII. Every subject of the State is liable to military service. The exemptions from this duty, the time for entering the service, the duration of the time of service, as well as the organization of the armed force in general, are determined by law.

SECTION 11.—*The Communes.*

CXIV. The city of Hamburg with the present suburb of St. George forms a commune. Under what relations the suburb of St. Paul belongs to this city commune, and how far it forms a commune of itself, will be determined by the Legislature.

CXV. The country communes retain their present limits, according to prefectures, so long as the Legislature shall not have come to some other determination.

CXVI. The resolution of the legislative power is necessary for the formation of a new commune.

CXVII. Every subject of the State is to belong to a commune. Every landed estate must belong to a communal association.

CXVIII. The conditions under which the communal civic right is acquired will be established by the Legislature.

Every one who wishes to acquire the communal civic right in the city or in one of the country communes, must be of full age, or

be declared of full age by the competent authority here, and take an oath to the State Constitution (Art. V).

CXIX. The affairs of the city commune are managed by the Senate and the corporation in the same manner as those which relate to the whole State.

CXX. The boards appointed for the different branches of the State administration also manage the city affairs; the Legislature is, however, at liberty to appoint special boards for separate matters of city administration.

CXXI. The principles for the constitutions of the country communes will be determined by communal regulations to be resolved upon by the Legislature. Each country commune has to establish its own constitution according to the guidance of that law.

CXXII. Every country commune has in any case the following rights, over the exercise of which the State has the supreme supervision:

1. Free election of the principals and representatives of the commune.
2. Independent administration of the communal affairs.
3. Publicity of the transactions of the communal representatives.
4. Self-taxation for communal purposes.
5. Publication of the communal accounts.

Every member of a commune who has the right of taking part in elections for the corporation and of being elected thereto, has the same right in reference to the election of representatives to the commune. The law, however, may enlarge the circle of the electors.

The further particulars are determined by the communal ordinance.

SECTION 12.—*Concluding Enactments.*

CXXIII. An enactment for altering the Constitution, requires:

a. A resolution passed in the way of legislation and by a majority of two-thirds of all the deputies of the corporation.

b. The confirmation of this resolution by the corporation, either:

1. By a majority of three-fourths of all the deputies, after the renewal of half of them at the constitutional time; or

2. By a majority of two-thirds of all the deputies after the second renewal of half of them at the constitutional time. But this two-thirds majority is only sufficient, if, after the first half renewal, there has been a consenting majority not, indeed, of three-fourths, but of two thirds; or

3. After its total renewal, which in this case may be determined upon by resolution of the Senate and the corporation, and after the

lapse of 6 months from the passing of the first resolution, by a majority of two-thirds of all the members of the wholly renewed corporation.

CXXIV. Proposals for alterations of the Constitution may proceed either from the Senate or from the corporation. The resolution thereon is then obtained in the ordinary way of legislation, by the concurrence of the Senate and the corporation, but the resolution of the corporation can only be passed by a majority of two-thirds of all the deputies.

This resolution is to be laid before the corporation for confirmation after its partial renewal at the constitutional period, provided that the entire renewal of the corporation be not decided on in accordance with Article CXXIII, § 3.

If the confirmation take place by a majority of three-fourths of all the deputies, then the alteration of the Constitution being finally decided upon, is to be carried into effect.

If three-fourths of all the deputies should not declare for the confirmation, but yet two-thirds of them should do so, it is then to be again laid before the corporation after the next half renewal, and it may then be legally confirmed by a majority of two-thirds of all the deputies.

If in either case less than two-thirds of the corporation should agree to the resolution, then nothing further is to be done with it.

CXXV. If on the contrary the Senate and the corporation, the latter again by a majority of two-thirds of the deputies, should resolve on the entire renewal of the corporation, then after the passing of this resolution the Senate has to cause the new elections and the appointment of the deputations to take place in such time that the new corporation which is to be convened by the Senate within 8 days after the termination of the elections, may assemble at the period fixed in Article CXXIII, § 3.

The resolution of the former corporation, when 6 months have elapsed from the time of its being passed, is to be submitted for confirmation to the entirely new corporation elected in place of the dissolved one. If the confirmation take place by a majority of two-thirds of all the members of the corporation, then the alteration of the Constitution being finally determined upon, is to be carried into effect. If two-thirds of all the members of the corporation do not declare for the confirmation of the resolution, then nothing farther is to be done with it.

CXXVI. After the Constitution has been in operation for 10 years a revision thereof shall be undertaken, and any alterations suggested thereby are to be dealt with according to Articles CXXIII to CXXV.

If on this revision the Senate and the corporation unite in the

resolution that no alteration is to be made, then the revision is at an end.

CXXVII. In case of a war or tumult the constitutional or legal enactments relating to legal jurisdiction, arrest, domiciliary visitation, the press, and the right of assembly may be temporarily suspended by the Senate. But this suspension requires the immediate concurrence of the corporation. If the corporation, upon being summoned, does not meet in sufficient numbers to pass a resolution, then the Senate has at once to obtain the concurrence of the Civic Committee.

CXXVIII. Such a suspension always expires after the lapse of 4 weeks from the day of passing the resolution. Any prolongation thereof can only be for 4 weeks, at the most, and can only be effected in the same way as the original resolution.

CORRESPONDENCE between The United States and Yucatan, relative to the Independence of Yucatan; the Neutrality of that State in the War between The United States and Mexico; and the Offer of the Sovereignty of Yucatan to The United States.—1847, 1848.

(1).—*The Executive Chief of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) Merida, July 27, 1847.

IN a note which I had the honour to address to you, dated the 28th of December last, I stated and showed, by the relation of facts, the political situation of this State, and its former and present relations with the Government of Mexico; in order to prove that, without taking part in the war in progress between the latter Republic and The United States, Yucatan observed a real and positive neutrality; and I at the same time commissioned Don Jose Resira to make to your Government, under the authorization and instructions which should be given to him, the proper explanations, to the effect that Yucatan might be considered as a neutral State, as you offered to the Commissioner to consider her according to his communications in giving an account of the result of his agency, when he returned to the Peninsula, supposing his commission to be terminated.

Under these circumstances, the neutrality promised has been observed and continues to be observed; but this Government, desiring and complying with the uniform desire of the most excellent Council of State, expressed on the 8th of April last, has appointed Don Justo Sierra, to proceed in the special character of a commissioner and agent from this State, to The United States and its Government, and to make the proper explanations, and promote,

agreeably to his instructions, whatever may be of reciprocal interest, placing in your hands the present communication, in order that you may, in virtue thereof, and of the credentials of his appointment, yield entire faith and credit to his representations, and to whatever he may offer and promise, in the name of the State and Government of this country; hoping that the Government of The United States will receive this agent with the consideration of which its enlightenment leaves no doubt.

I have, &c.

The Hon. J. Buchanan.

DOMINGO BARRET.

(2.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

MOST EXCELLENT SIR,

Washington, November 17, 1847.

HAVING been commissioned by the Government of the State of Yucatan, near that of The United States, I arrived yesterday at this capital, bearing a despatch from my Government for your Excellency. I accordingly pray you, most respectfully, to be pleased to appoint a day and hour at which I may present myself in person before your Excellency, to offer my respects, and to fulfil the special duty with which I am charged by the Government of Yucatan.

I have, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(3.)—*The Secretary of State of The United States to the Commissioner of Yucatan.*

SIR,

Washington, November 19, 1847.

I HAVE the honour to acknowledge the receipt of your note of the 17th instant, announcing your arrival in this city and requesting the appointment of a time for you to visit me. In reply, I have the honour to state, that I shall be happy to see you at this department at 12 o'clock on Monday next, the 22nd instant.

I have, &c.

Señor Don Justo Sierra.

JAMES BUCHANAN.

(4.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR,

(Translation.)

Washington, November 24, 1847.

ON the occasion of the reception which you were pleased to grant to me on Monday, the 22nd instant, I placed in your hands the credentials of my appointment as Commissioner and special Agent of the Government of Yucatan near that of The United States, which you designed to accept with your characteristic kindness and courtesy. In the short conference between us, you admitted, as most expeditious and simple, the plan, that I should present the points which the Government of Yucatan might have to expose to the just

consideration of the Government of The United States in a series of memorials, in order that you and the National Government being thus minutely informed with regard to them, such measures might be taken as should be considered most just and comfortable with the policy of The United States. According to this ageeement, I am about to present you the first memorial; before doing which, however, you will permit me to exhibit a slight sketch of the political situation of Yucatan, which is the more necessary, as I observe with regret in some newspapers of the Union, that an exact idea does not seem to prevail with regard to it, or at least that the dignity and good faith of the people have been forgotten, as well as the extent of the sacrifices which they have made, and will continue to make, in order to preserve their actual position, maintaining the most rigid and honest neutrality in the war now existing between Mexico and The United States.

Yucatan, Sir, has been an integrant part of the Mexican nation ever since the consummation, in 1821, of its political independence of Spain, of which it was, like the other provinces of New Spain, a colony. Being in full and absolute liberty to do whatsoever might seem most suitable for her interests and welfare, Yucatan incorporated herself spontaneously in the new nation, until the dissolution of the ephemeral empire founded by Don Augustin de Iturbide. Not knowing the course which the affairs of Mexico might take, she then remained independent, her internal administration being conducted in all respects agreeably to the Republican system, while awaiting with calmness and prudence the termination of the discussions of the constituent Mexican Congress, which was assembled in the latter part of the year 1823. The result of these discussions was the compact of October 4th, 1824, which founded the Confederacy of the Mexican United States; and this compact was deliberately accepted by Yucatan, which became incorporated in the new Republic. If by this act, immature indeed, she ceased to enjoy all the exceptions to which she might and should have aspired, from her geographical position, from her poverty, and from various other moral and material elements comprehended within herself, it was, nevertheless, believed that she might thus better develope the principles of that beautiful theory which has made the Republic founded by the immortal Washington a free, great, happy, and powerful nation, and that her social condition would continue improving. In this she was sadly decided. You Mr. Secretary, well know to what extreme the folly and the delinquencies of those who have been charged with the direction of the affairs of Mexico have brought the adjoining Republic. The fate of the Mexican people, worthy indeed of a better lot, has constantly depended on the military factions which have succeeded each other without inter-

force by the excesses of a brutal soldiery, misguided by a crowd of generals and other officers, brave men for most part when engaged in oppressing their fellow-citizens, the Mexican Republic fell prostrate and powerless. Yucatan underwent the same fate with the other States ; but it was not without a powerful effort. In 1840, her people broke out in insurrection, beat the forces of Mexico, and proclaimed the Federal system compatible with union. In the meantime she separated herself from Mexico ; she formed a Constitution worthy of the most civilized people, and proclaimed the most sane and clearly established principles, preferring to suffer all the acts of injustice of the Mexican Government, all the oppression and abuses of the faction in power ; rather than desist from one of its just pretensions. What did the Mexican Government or rather General Santa Anna, who had constituted himself the supreme dictator of the Republic, do under these circumstances ? The whole world knows, The United States well know, as they unanimously applauded and bestowed the utmost encomiums on the honour, the valour, and the energetic constancy of the people of Yucatan in resisting an army of 11,000 men, and a squadron such as Mexico had never before possessed ; nay, more than resisting them, as the enemy were met, and the conditions of peace were dictated to them.

This peace was based on the Convention of December 14, 1843, which secured to Yucatan the first and most essential exceptions to which she was rightfully entitled, and especially relieved her from the immediate influence of the military force, the only means employed by the Mexican Government for the oppression of the people. On these bases she accepted incorporation, consenting to follow the lot of Mexico ; but General Santa Anna blindly and obstinately violated the Convention of December. On the first occasion, he caused the Order of February, 21, 1844, to be issued, closing the ports of the Republic against the principal productions of the soil and industry of Yucatan, and subjected the country to new and more unjust vexations. Yucatan remonstrated against these acts of violence. She protested in the most solemn manner, and would not engage in another war, because some hope was entertained that justice would be done to the country. Vain was the hope ! Instead of obtaining what was so justly demanded, the people learned with indignation that the Convention of December, though containing the express provision that it should not be subjected to alteration, had been discussed in the Chamber of Deputies, and that this body had gone so far as to declare it null and

void, and of no force. Yucatan then made a solemn declaration, of January 1, 1846, whereby she resumed her sovereignty, and convoked an extraordinary Congress, to fix definitively the destiny of the country.

The war now existing between Mexico and The United States then came on. The Mexican Government took some measures, and even sent Colonel Don Juan Cano to induce Yucatan to co-operate in the war. Yucatan openly resisted a pretension so absurd and untimely, and refused to make a sacrifice which, besides being entirely useless to Mexico, and immensely prejudicial to Yucatan, as she desired to preserve her commerce and friendly relations with The United States, offered no other result than the renewal of the war, so soon as Mexico should find herself in a situation to attack Yucatan; as it was clearly seen and proved that, only in consequence of the critical position which the Mexican Government had placed itself towards The United States, did it endeavour to draw Yucatan and compromise her in this unfortunate struggle. Don Juan Cano, returned to Mexico, bearing the decided negative of the Government of Yucatan.

At that time, unhappily for my poor country, the fatal man who has caused the misfortunes of Mexico was in exile in the neighbouring island of Cuba. General Santa Anna, by intrigues and management, induced some influential persons in Yucatan to believe that some moral force, and the support of the public opinion of the country, was necessary to overthrow General Paredes, who was labouring for the establishment of a foreign Monarch, and to make an honourable peace with The United States, which he was certain to be enabled to effect. The men in power believed him in good faith, and caused the extraordinary Congress to issue the Decree of the 25th August, 1846, by which Santa Anna was proclaimed President of the Mexican Republic. The people of Yutacan, however, resisted such a declaration, which would involve them again in the disturbances of Mexico. They arose and proclaimed the Programme of the 8th of December last, declaring that it was not their desire to follow the lot of Mexico in the present war. The existing Government was then organized which sent Justice Don Jose Robira, and then me, to repeat these sentiments to the Government of The United States; for though one or another insignificant and senseless faction may have endeavoured to oppose the progress of the legitimate Government of Yucatan, they have been immediately and energetically repressed, without effecting anything else by their plans to excite some barbarous tribes to make a savage war on the white race. I have in my possession despatches from my Government, dated 26th of October last, fully sustaining this assertion.

You have thus, Sir, presented to you a slight but exact sketch of

the political situation of Yucatan, which will probably end in a formal declaration of its absolute independence, as may be agreed by a Convention summoned according to the plan of the 8th of December last, but for the meeting of which the time has not yet arrived.

Don Jose Robira executed the honourable mission confided to him to the entire satisfaction of my Government. He spoke freely and at length with your Excellency; he declared, in the name of the Government of Yucatan, the firm resolution of that people not to follow the lot of Mexico, but to remain neutral in the present contest, offering to proceed in this matter, in the most frank and honourable manner, and to oppose any faction which, either under the influence of the senseless views of Santa Anna, or guided by their own base and personal passions, should attempt to disturb the order of things established in the country, or to endanger its pacific relations with The United States. The Government of Yucatan has thus acted, not from any mean or dishonourable motives, but in order to secure the interests of the country; not from servile fear, of which no one has a right to accuse a people who have given such heroic and repeated proofs of civic and military valour, but because it is their first duty to see to their own preservation, provided it be not by base or dishonourable means; and certainly it is not base or dishonourable to resist a participation in the fatal results of a war on the side of those from whom Yucatan has received nothing but repeated acts of injustice. Upon what grounds could my country be reproached for such conduct?

Nevertheless, Mr. Secretary, the port of Laguna de Terminos, belonging to the State of Yucatan, and all its dependencies, have been occupied, in a military manner, by the naval forces of The United States, since the acknowledgment and acceptance of the neutrality of Yucatan; and, what is more injurious to our small and insignificant vessels, and the fruits of our soil and industry, a duty has been laid on them so exorbitant and ruinous as to be, in many cases, greater than the value of the goods themselves introduced. This is one of the points which the Government of Yucatan has charged me to submit to the justice and the correct principles of the Government of The United States, and to this object the present note is directed, which I earnestly pray the Honourable Mr. Buchanan to consider, and to give me notice, in the manner which he may judge most convenient, of the resolution taken by the national Government on a subject of the most vital importance to Yucatan.

The city of Carmen (Laguna), from its insular position, is separated from the main land of Yucatan; and the people of Yucatan have great interests there invested in commercial houses and indus-

trial enterprise. Its relations extend to all the neighbouring towns and farms in the territory of Yucatan, and even to those situated in the province of Peten and the Republic of Guatemala. Consider, Sir, how ruinous and destructive must be a tariff of duties, so extremely onerous on effects and merchandize, introduced from absolute necessity into Carmen; for on this introduction depends, literally speaking, the preservation of the enterprise of the citizens of Yucatan at that place. In the dependencies of the Laguna de Terminos nothing is produced but Campeachy wood, and everything for the subsistence of the people must be introduced from the continent. The condition of Laguna, and of the interests at that place, is rendered infinitely worse than that of the ports of Mexico occupied by the forces of The United States.

I have just been in Vera Cruz and Tampico, and I know from information there received, from sure and certain sources, that all the productions and goods coming from the interior of Mexico, from places subject to Mexico, and consequently inimical to The United States, pay them the lowest duties; while at Laguna, from the mere physical and natural necessity of crossing a small arm of the sea, the fruits of our soil and industry, and our little vessels, are charged with duties so heavy and ruinous. Why is this difference, Mr. Secretary? Why is Yucatan, whose neutrality is acknowledged, treated in a manner by no means equal to that in which places occupied by the enemy are regarded, when it has, on the contrary, so much right to the consideration of The United States? Even though the military occupation of Laguna were explained, by no means can a tariff of duties be defended, the produce of which forms but an atom in the immensity of the vast and powerful resources of The United States, but which, to my country, causes incalculable loss and injury, not the least being that of its appending pretexts to one or another faction for embarrassing the Government of Yucatan in the course which it proposes to pursue, and will pursue in the present war. All this has been stated verbally and in writing to Commodore Perry, whom I had the honour, by order of my Government, to visit, on board the sloop-of-war *Germanatown*, off Vera Cruz, in the latter part of September. The Commodore will, no doubt, have taken into consideration the powerful reasons alleged by the Government of Yucatan, and I hope that they will be received favourably by the Government of The United States.

Other inconveniences, no less serious and important, arise from this state of things. In Laguna there is no court of justice, not district nor circuit judge, nor anything, in fine, equivalent to an institution so necessary to guarantee the rights of individuals. The decisions on confiscations flow from the authority of the mili-

follow the regulations in force on such matters; but, in addition to the inconvenience of this state of things, the Governor may err in the application of the regulations; in which case the aggrieved party has no resource. This has just happened; and the victim is an unfortunate and honourable trader of Yucatan (Jose Jesus Cotaya), who has been suddenly reduced to misery, after many years of labour, by an omission almost involuntary on his part, in making a declaration of the goods which he was bringing from Campeachy to Laguna in a canoe or small vessel under his care. On this point I shall address your Excellency separately in another note, accompanied by the proof of the claim of Cotaya.

The Government of Yucatan knows that the motive alleged for the military occupation of Laguna is to prevent the contraband trade, which might be carried on through the interior routes, with the adjoining State of Tobasco. This contraband trade is not impossible, as your Excellency well knows that self-interest and desire of gain are so powerful with many individuals, that they are in many cases not to be withheld by the distant consideration that their conduct might injure their country. This is not the fault of any Government, so long as it employs all the means to prevent it. This might be effected without giving to the Government and people of Yucatan reason to regard the occupation of the island of Carmen as a moral attack on their honour and dignity, and a physical attack on their material interests; whilst they, on the contrary, regard that occupation as entirely useless and ineffectual for the object proposed by The United States in the present war with Mexico. The Government of Yucatan, therefore, authorizes me to solicit from the justice of the Government of The United States the cessation of the occupation of the island, promising on its part to display the utmost zeal, activity, and efficiency in the repression of the contraband trade, leaving the vessels of the American squadron, which the Government of The United States may think proper to maintain at that port and its dependencies, free to co-operate in such suppression. Our Government desires the cessation of the occupation of the island, not only because it considers this to be in all respects just, but because it disapproves, in fine, of this ominous tariff of duties, which weighs upon our little vessels and upon the produce of the soil of Yucatan whose citizens suffer in their own homes from a ruinous tax, laid upon them by a friendly nation, from whose justice they confidently hope for reparation of those evils.

I have the honour to solicit this from your Excellency, and at the same time to offer, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(5.)—*The Secretary of State of The United States to the Commissioner of Yucatan.*

SIR,

Washington, December 14, 1847.

IMPORTANT and pressing duties connected with the meeting of Congress, have thus long delayed my answer to your note of the 27th ultimo. I have now, however, received the instructions of the President on the points which it presents, and hasten to communicate to you his decision.

After an interesting historical sketch of Yucatan since the termination of the Spanish dominion over it, you present two requests to the Government of The United States.

1. That the duties now imposed at Laguna, under the authority of The United States, on the vessels and productions of Yucatan, may be abolished.

2. That the naval forces of The United States may cease to occupy the port of Laguna and island of Carmen.

I shall first advert to your second request.

The President feels the strongest disposition to grant to the Government and people of Yucatan every indulgence not inconsistent with the official exercise of our belligerent rights against Mexico. With every desire, however, to cultivate the most friendly feelings with her, he yet believes that the duty which he owes to his own country, forbids him, for the present, to relinquish the possession of Laguna. The position of Yucatan is peculiar. The President cannot recognize her as a sovereign and independent State. She must still be considered as a portion of the Mexican Republic, but yet as neutral in the existing war. Had she preserved her neutrality from the commencement of hostilities until the present period, it is more than probable the naval forces of The United States never would have taken possession of Laguna. It is true that a contraband trade in arms and munitions of war was carried on between that port and the neighbouring province of Tobasco; but yet we might have borne this injury rather than have exercised the unquestionable right of arresting it by seizing any portion of a State which professed neutrality. But the Extraordinary Congress of Yucatan, by their Decree of the 25th August, 1846, converted her neutrality into open war against The United States. After she had thus made herself our enemy, the port of Laguna, on the 21st December, 1846, was unconditionally surrendered to our naval forces. It is true that Yucatan has again become neutral, but it cannot be denied that she has ever since

been distracted by civil dissensions, and that the enemies of neutrality and partisans of Mexico are in open rebellion against her Government. Under these circumstances, the President cannot consent to surrender Laguna. That port, from its peculiar position, presents extraordinary facilities for carrying on an illicit trade in arms and munitions of war with Tobasco. From information, on which the President fully relies, it would be impossible for the authorities of Yucatan, with the best possible intentions, to prevent this illicit traffic. To surrender Laguna would, therefore, be to furnish the means to Mexico of seriously annoying the forces of The United States, and prolonging the existing war.

To your first request, that of not exacting duties at Laguna on the vessels and productions of other ports of Yucatan, the President is inclined to give a favourable response. Whilst he deems it necessary to hold this port for the purpose of preventing Mexico from receiving military supplies from it to be used to our injury, no sufficient cause, perhaps, exists for the continuance of these imposts. Commodore Perry will, therefore, be instructed by the Secretary of the Navy to abolish them, unless he may have reasons to the contrary not now within the President's knowledge. It is, however, to be distinctly understood that this instruction will be confined to the productions of Yucatan carried to Laguna in her own vessels, and is not to interfere with the inspection of such vessels and the execution of the revenue regulations by officers of The United States, nor to sanction any trade whatever between Laguna and any of the ports of Mexico.

The privilege thus accorded will continue so long as Yucatan shall, in good faith, maintain her neutrality, but shall immediately cease the moment this is violated.

The claim of Mr. Cotaya, to which you allude, shall be referred to the Secretary of the Navy, after you have presented it in form, accompanied by the proofs in its support.

I avail, &c.

Señor Don Justo Sierra.

JAMES BUCHANAN.

(6.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, December 27, 1847.*

I HAVE the honour to acknowledge the receipt of the note addressed to me by you on the 24th instant, informing me of the President's resolution on the points which I submitted, in the name of my Government, to the determination of the Government of The United States. I hope, most confidently, that Yucatan will yet receive that justice to which she is entitled, and will be relieved from the burthen imposed upon her, by the occupation of one of her

most important ports for the exportation of woods; an article which forms a great portion of the wealth of the country. I have communicated the resolution above-mentioned to my Government; and, at present, in order to prevent any difficulty or obstacle, which may otherwise appear, I send you, herewith, a list of the products of the soil and industry of Yucatan, copied from official documents of authority, which I have in the archives of the commission. I pray you, Sir, in consideration of this list, to have proper orders given to the authorities charged with their execution, so that difficulties may not arise in the beginning, which may render useless and delusive the resolution of the Government, with regard to the national and industrial productions of Yucatan.

I have also the honour to send you the official documents (expediente) relative to the claim of the citizen of Yucatan, Don Jose Jesus Cotaya, whose difficulties have arisen chiefly from the accumulation of all the powers in the hands of one individual; thus leaving no appeal whatever to the person aggrieved. The bases of this claim are set forth in the petition of Cotaya, at the end of which will be found the decision of the Governor of Laguna, who rests his determination principally on special regulations independent of the general regulations made by the Treasury Department. I most particularly request your attention to this point, not so much on account of the smallness and insignificance of the omission which led to so heavy a penalty, as because the individual has been reduced to beggary by the determination of the Governor of Laguna. If there had been any courts to which Cotaya might have presented himself to sustain his rights, he would no doubt have done so; but this is exactly one of those great inconveniences which result from the military occupation of Laguna.

I renew, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(7.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, February 15, 1848.*

I HAVE the high honour to address myself again to the Honourable Mr. Buchanan, in conformity with orders and instructions which I have just received from my Government, in order to present to the Government of The United States some new considerations, whose value and importance I cheerfully submit to the wise and prudent consideration of the Secretary, not doubting, for a moment, that he will properly appreciate them.

Through the special favour of Divine Providence, the odious spirit of faction, which for some time past has disturbed the public mind, has disappeared entirely from Yucatan; and all the citizens,

principle which has ever been dominant in Yucatan. Our Constitution and our laws have secured to the indigenous race the same identical rights which they give to all the other citizens. Our policy has always been to alleviate the social condition of the Indians; improving it by civil and religious instruction, and spreading among them all the benefits of civilization, in the same way, and to the same extent, as our means and resources permitted us to do in behalf of our own race. Many of them have thus been called into public life who have succeeded in throwing off the brutal stupidity which has been and is their characteristic. And so well has the object of this policy been attained, in one point of view, that we have finally made ourselves the mark of the hatred, the envy, and the savage ferocity of the eastern Indians, who have declared against us a war of extermination, perpetrating upon the defenceless inhabitants of that region acts of assassination, robbery, incendiarism, and all kinds of excesses unfit to be described from their horrible nature and the wounds they inflict upon the moral condition of a Christian people.

If, Mr. Secretary, there exists any occult and mysterious power, which, nourishing a deep and ancient hatred to the sacred cause of those American countries who are endeavouring to cast off the yoke of European dependance, are engaged either directly or indirectly in fomenting revolt among the Indians of Yucatan, I will not venture to assert the fact upon my own responsibility, although such is my conviction in consequence of not having any instructions from my Government on the subject. But there are some circumstances of which it is superlatively important that the Government and people of The United States should be apprised; occupying, as they do, the vanguard of freedom and civilization of the American nations, and bound, as they are, from the immense power which they possess, to prevent the catastrophe, to prevent Yucatan from becoming the prey of rebellious savages.

The Honourable Secretary, who is conversant with diplomatic annals, knows by what series of abuses and robberies the British colony of Belise succeeded in establishing itself upon the shores and territory of Yucatan. The weakness or impotency of the first Spanish Government, and subsequently the neglect and culpable heedlessness of the general government of the Mexican, patiently tolerated the successive invasions of that colony, until it is now the mistress and tranquil possessor of the richest and most fertile parts of the peninsula of Yucatan. In the outset it only obtained tem-

porary permission to establish a species of factory, but now it is a vast depository of contraband, which annihilates Yucatan, and invades the States of Tabasco, Chiapas and Guatemala. Day by day these men are penetrating to the very heart of the peninsula, and obtaining, in the interior, the amplest, the most extensive, and withal the most fraudulent relations. Their power and despotism have reached such a pitch that when the authorities of Yucatan have attempted, by the lawful exercise of their rights, to repress these encroachments, the association of smugglers at Belise have had the audacity to insult and menace the Government in the most insolent and brutal manner.

In the year 1841 the English schooner *True Blue* was surprised *in flagrante* whilst disembarking upon the coast of Yucatan a valuable contraband cargo. The fact was so clear and certain as to be beyond the shadow of doubt, and the extremely moderate and penal laws of the country were applied to the vessel and cargo. Well, a few days after the occurrence the English sloop-of-war *Comus* came into the harbour of Visal, and Mr. Patrick Walker (the same who for some years past has discharged the singular commission of keeping up the farce of the Kingdom of the Mosquitoes) notified the Government of Yucatan, peremptorily, that within the space of a few hours the value in hard money, at his arbitrary estimate, of the vessel and cargo, which had been confiscated, must be delivered to him, under pain of bombarding and destroying Visal, if the demand were not complied with or the least delay occurred; and he forthwith seized two or three vessels belonging to Yucatan, which happened at that moment to be in port. The first resolve of the Government of Yucatan was to resist so outrageous a demand; but it found no support in any strong power for the protection of its rights.

The Government of Mexico was then waging against us a most cruel and unjust war; it had declared our vessels pirates, and the English brig-of-war *Serpent* had come expressly into the waters of Campeachy, from those of Vera Cruz, to make a similar notification; announcing to us that it would capture them in consequence. A nation not well known to strangers, and it may be not very justly appreciated by them, Yucatan was not certain of meeting with sympathy from any foreign Power. Alone, unsupported, reduced to its own proper resources, it would have been rash for it to resist a Power which employs its strength according to any other rules than those of morality. It submitted therefore to that unheard-of extortion, and Mr. Walker returned to Belise, after giving us the most serious warnings for the future; and the civilized world beheld and listened to so odious an outrage with indifference.

In the year 1841 it was said and repeated, both in the journals

of Yucatan and Mexico, that since the year 1836, there existed a secret Treaty between the English and Mexican Governments, by which the two Californias and the State of Yucatan were hypothecated for the payment of the English debt, England to take possession of those countries after a certain lapse of time. The official journal never denied or contradicted this statement, which, on the contrary, was corroborated by several incidents, not the least important of them being the authorization granted by the Mexican Government to a certain Irishman, individually, to colonize an immense quantity of square miles in the Californias, the extent of which, not now precisely in my recollection, embraced nearly the whole of the provinces.

Moreover, Mr. Secretary, taking all the resources of the public property of the State into account, hardly can it now furnish arms and munitions to the troops engaged in fighting the savages. In order to make head for the public defence, the Legislature has been compelled to make extraordinary appropriations, which the suffering people of the country can with the utmost difficulty bear. For a long time previous the Indians had been deprived of their fire-arms, in order to impede the continuance of this infamous war. All the powder and munitions which are being or which have been introduced through the ports of Yucatan have no other object or end than the repression of these savages. These antecedents being supposed, is it not a matter of surprise to see all those numerous hordes of barbarians well armed and provided, and harassing us with a causeless and obstinate war—a war in which powder (English) and muskets and fowling-pieces (some of them from the manufactory of the Tower of London) are the principal resources of the enemies of our race? All wonder, however, will cease when it is known that the revolted Indians have had and still have very frequent communication with the British establishments at Belise. Notwithstanding all this, and perhaps in consequence of it, there are not wanting those in Yucatan who deem it absolutely necessary that the country, to avoid total extermination in this ever-increasing strife with the savages, should submit to British power, and solicit its aid and protection, now that reunion with Mexico seems to be so impossible.

Upon all these matters I do not venture to ask the Honourable Mr. Buchanan for any reply or resolve. I make a simple enumeration of actual facts, to which, I think, the Government and people of The United States should not be indifferent, because they are intimately connected with the future destiny of the American nations. These facts may serve as a basis for a more circumspect examination, which may result in some definite conclusion. Let me add, for the information of the Secretary of the Government, that the existence of these facts has been strongly operative in delaying

the final declaration of the absolute independence of Yucatan, and, as these motives are accumulating every day, it would not be at all strange if this important declaration should suffer for this delay. Several disenchantments have rendered the Yucatan people more cautious and circumspect.

The following is the point upon which, in the name of my Government, I request a clear and definite resolve. Commodore Perry, in his last visit to Yucatan, notified the Government, through the American Consul, albeit in an informal manner, that, if the introduction of cocoa and other natural and manufactured products of Tobasco into Yucatan were allowed, he, in the exercise of his discretionary authority, would take such measures as might weigh very heavily on the country.

After the immense damage resulting to us from the military occupation of Laguna, by which the Government is deprived of the resources of that port of entry; after the payment of duties or imposts to which we have been subjected in our very domiciles, notwithstanding our neutrality in the present war; and after, in fine, the imposition upon our citizens of regulations which certainly do not protect individual property, no redress whatever being open to the injured party, now come the threats of the Commodore to multiply the embarrassments of the Government of Yucatan, and heap difficulty upon difficulty to a point which might endanger the pacific relations with The United States, the preservation of which is so much desired by the people of Yucatan. My Government, for the very reason that it sincerely and earnestly desires the cordial continuance of those relations, cannot and should not pass those menaces by, and it directs me to bring them forthwith to the knowledge of the Government of the Republic, with a few explanations concerning the matter, in order to prevent an unfortunate and unexpected result.

Although Yucatan was once a State of the Mexican Confederation, it is so no longer, because in the exercise of its inherent sovereignty it separated itself from Mexico; and it is not probable that it will ever become so again, as there are great and potent obstacles in the very nature of things which will doubtless prevent a reunion. Immense complications have deferred the period when Yucatan may assume a determined character as a nation and people independent *de jure*, although it is so *de facto*; and this fact is certainly disconnected from the war which now exists between Mexico and The United States, as it was anterior to it, having had its commencement many years since, and its consummation on the 1st of January, 1846. We need not speak of the unfortunate Decree of August 25th of the same year, for that Decree remained altogether without effect in consequence of the formal sanction

which was given by the people to the contrary principle. Meanwhile the fact has continued and still continues unalterable.

Yucatan, by virtue of this position, has asked from The United States the recognition of its neutrality in the present war, and has obtained it. Call this indulgence protection, assistance, or anything else, certain it is that it was an act of rigorous justice on the part of The United States, who were not certainly to treat with severity a people that had not offended them in the least, which sincerely desired their friendship, which had shaken off the yoke of the nation with which they were at war, and which, above all, wished a breathing spell after so many and such protracted sufferings occasioned by our war with Mexico. The Government of The United States could not in truth have wished to complicate its policy and divide its attention, by making war upon an inoffensive people which had in no way provoked it, and which, on the contrary, was soliciting its sympathies.

Although Yucatan, through the sophisms and abstruse speculations which are wont to be employed for the purpose of mystifying equity and justice, be not a neutral power in the strict sense of the word, as it is not an independent nation by acknowledgment, its right is yet not the less certain and unquestionable to be treated and considered as a neutral power, when it is so in fact, and when this fact has been recognized and accepted by one of the belligerent parties; and Yucatan has in its favour and aid the formal recognition of The United States.

Yucatan, therefore, is a neutral country, and should so be treated. This appears to me to be logical, and, moreover, in complete conformity with the principles upon which the present war has been made by the Government of The United States. Every extortion and violence against Yucatan would be alien to its object; would be both a useless and an unjust act.

My Government, accordingly, solicits, through my intervention, to be treated in harmony with these principles: asks that, now and for ever, every prejudice may be abandoned which, perchance, exists against the people of Yucatan, who would cultivate such friendly and loyal relations with The United States. It wishes that those who are entrusted with the execution of the orders of the Government of The United States may be given so to understand; that some restriction, in a word, should be placed upon those discretionary faculties, of which so much is said, and which are like the sword of Damocles over that unfortunate country, involved as it now is in such embarrassments and difficulties, notwithstanding the fact of its being the most industrious, the most enlightened, and the most liberal of the States that formed the old Mexican Confederation; and which, on that account, is, perhaps, the one destined to com-

mence the great political and social revolution which, sooner or later, is to be operated throughout northern America.

The threats of the Commodore, which indicate his prepossessions against Yucatan, doubtless from sinister information given to him, have begun to produce their unhappy effects. I have recently been in the city of New York, and I there learnt that many Yucatan merchants, who had commissioned their correspondents to send them arms and munitions, had given counter-orders a short time since, from the fear that some American vessel of war might fall in with those articles, destined for the sacred object of resisting the savages, and capture them, as means about to be furnished to Mexico; for such is the strange apprehensions of those who are making a war upon Yucatan, which, though a silent one, is working pernicious results.

The theory on which is founded the right of neutrals has always been accepted and upheld, as its own, by the Government of The United States. When the Berlin and Milan Decrees, and the English Orders in Council, were issued, the Government of the Republic openly resisted that attack upon its neutrality, and at last engaged in the war, which was declared against England on the 18th of June, 1812. The well known antecedents of that just declaration I have seen extensively and wisely presented in the eloquent confidential message which the illustrious President, James Madison, sent to the legislative body on the 1st of June of the same year, 1812. I make bold, Mr. Secretary, to invoke, in the name of my Government, those principles in behalf of the free State of Yucatan, which has not hesitated an instant to undergo every description of sacrifice to sustain with honour and fidelity the neutral position in which it was its duty to place itself, during the contest between the two great Republics of the North. And I say this without reserve, because I do not suppose that the mind of the Honourable Secretary has been at all affected by any of those senseless calumnies which some of the papers of the country have allowed themselves to utter against the noble and loyal conduct of that Government, which thoroughly fulfils all the obligations imposed upon it by neutrality; confounding, as they do, the isolated and insignificant efforts of a few factions, which have ceased to exist, with the proper, discreet, and becoming policy which my Government and the people of Yucatan have observed in the present grave and delicate crisis.

The United States possess all the power and all the means sufficient for rendering the blockade of Tobasco effective, and severely chastising the breakers of it, whether Yucatanese or not; and to chastise and repress those who violate it is certainly their right, which no Power can dispute. But I do not see what is the arrangement, or where it may be found established, by which Yucatan can

since, also, with the military occupation of Laguna, the means of preventing that traffic have been neglected. If, in fine, the Government of The United States, from a conviction of the rectitude and good faith of that of Yucatan, should consent to the evacuation of Laguna and its dependencies, whose productions are of the utmost importance to the latter, whilst they are not of the least consequence to the former, then Yucatan will submit at once to all the new disadvantages of its position in regard to Mexico, which, when peace is made, will, without any doubt, turn all its wrath and animosity against Yucatan.

But whilst such a state of things remains unchanged, I do not see why Yucatan should be treated with severity and rigour by trampling upon all her rights of neutrality, as Commodore Perry assumes to do. Let the Government of The United States appoint a Commissioner and special agent to examine, in good faith, and with conscientiousness, the real situation of that country. Let that Commissioner be a man who is familiar with its language and customs, as well as with the old pretensions of Mexico upon Yucatan, and I am confident that the prejudices which now exist will immediately cease. This would be the best mode of arriving at the truth of the facts, and of other circumstances besides, which are not less important for the policy of The United States. I pray Mr. Buchanan to give his attention to this measure, which I presume to suggest, not because I entertain the extravagant pretension of suggesting or indicating any steps to him, well known as are his experience and wisdom in public affairs, but because I am animated by the liveliest desire that the question of Yucatan should be better investigated and understood, in order that the full justice to which it is entitled may be done to that country, and especially that it may be protected against the aggressions of the savages.

I limit myself now, to asking of Mr. Buchanan, 1st. That the neutrality of Yucatan may be communicated to all the authorities dependent upon the Government of The United States. 2nd. That all the principles which constitute the right of neutrals may be observed towards that country. 3rd. That, in accordance with them, the notifications which Commodore Perry has given to the Government of Yucatan may be looked upon as non-existent, and as never made. And 4th. That, as Yucatan is in need of armaments and munitions of war for its defence against the aggressions of the

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savages, no impediments may be thrown in its way in the importation of these articles.

Will the Honourable Secretary here permit me also to remind him of the affair of St. José Jesus Cotaya, which I presented to his consideration in my note of the 24th December ultimo.

I deeply regret to distract the attention of the Hon. Mr. Buchanan from the vast, grave, and complicated matters which now demand it, and trust that he will have the goodness to excuse me, accepting again the profound respect and consideration with which I repeat, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(8.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, February 24, 1848.*

I DID not think I should again interrupt the Honourable Secretary in his vast labours before learning the determination of the Government of The United States in regard to the different matters which I had the honour of bringing before it in my note of the 15th instant. But some unexpected circumstances have occurred which compel me to take this step, in pursuance of orders and particular instructions from my Government. I beg, therefore, the Honourable Mr. Buchanan to pardon me, acting, as I am, solely from a sense of imperative duty.

Various rumours have been in circulation, during the last few days, in reference to a Treaty of Peace between Mexico and The United States, and even the terms of the Treaty have been stated. As long as these rumours remained within the sphere of rumour, I did not think it opportune or expedient to make the voice of Yucatan heard in a matter which, for that unfortunate country, is a question of life and death, and to which, therefore, it is not and cannot be indifferent; but as it now appears to be certain and indubitable that this Treaty exists, and has been sent to Washington to receive the proper ratification, the time seems to me to have arrived to raise the voice of Yucatan before the Government and people of The United States, in order to protest in due form against such a Treaty. Whatever may be the estimation or attention conceded to this protest, my conscience dictates the obligation of making it and submitting it to the Government of the Republic.

I will not stop to reflect that there does not exist in Mexico a Constitutional Government; that the Republic is in a state of utter dissolution; that it is divided among factions which, in their frenzy and delirium, are struggling for the last spoils of the country they have dishonoured and debased; that the national represen-

that a peace, made hastily with a Power which possesses no authority or commission for the purpose, is not only null, and cannot, therefore, remove a single one of the difficulties which exist between the two Republics, but, moreover, that it will become a fresh source of disturbance and calamity of every description; that the bases and foundations of this peace are weak, because the wish of the nation not having been consulted, it is more than probable that it will not deem itself bound to sustain the arrangement, especially when the immediate consequence of it will be the enthroning of a military faction which will again involve Mexico in the eternal circle of troubles, disorders, and violence to which it has been subjected for more than 25 years, until the monarchical principle may be established as the principle of Government, and a foreign Prince invited to be the master of the nation. No, Mr. Secretary, I will not stop to make any of these observations, because the people of Yucatan, having resumed their sovereignty for the purpose of securing their material interests—political interests—are deprived, to a certain extent, of the right of interfering in the affairs of Mexico. This question, besides, is to be exclusively decided by The United States, and no one has a right to meddle with it.

But a Treaty, in which there is no stipulation in regard to Yucatan, will, undoubtedly, be the utter ruin of my State. In the present war, it has exhibited and sustained a neutral character; that is to say, in conformity with the ideas of the Mexican Government, it has been its enemy and the ally of the foreigners who have made this war on it. Yucatan expressly refused to contribute men and money in aid of Mexico during the struggle. Yucatan has preserved its friendly relations with The United States, in the firm and sure hope that this nation, after the conclusion of the contest, would not treat it with contempt, would not abandon it and deliver it over, bound hand and foot, to Mexico, to be sacrificed to the rage of the latter. The Hon. Mr. Buchanan is already aware that the people of Yucatan will not crouch servilely before any peril, however grave. They have already, at a former glorious epoch, overcome their oppressors and dictated peace; but after all that they are now suffering with the war of the savages, and with the intrigues and machinations of the secret enemies of the cause of the American nations, a conflict with Mexico, without being supported and protected by a solemn guarantee and by a powerful nation, will be the signal of its inevitable destruction. Who knows whether, from this day, the faction which governs the most unfor-

tunate Mexican nation will act by itself alone, or will seek abroad a firm support and a more secure protection? In such a case, the condition of Yucatan will be infinitely more afflicting, and that country will have no resource to which it can turn.

If an absolute Government may or probably must be egotistical, such a vice should certainly not stain a Republican nation founded on principles noble, popular, and philanthropic. And how can The United States fail to admit the sacrifices made by a nation bound to it by the ties of brotherhood, and solely because it is weak and powerless, in comparison, leave and abandon it to its own fate, so that an implacable enemy should maltreat and perhaps destroy it? Is this compatible with the justice of a liberal Government, or the generosity of a free and magnanimous nation?

I well know, Sir, that the advantages of peace, of that inestimable gift of peace, are of the highest importance, especially for a nation which should not aspire to be a conqueror; that in great transactions between two Powers they disappear under the considerations of a secondary character; and that most frequently, in Treaties of Peace, the weaker nations are sacrificed and considered as nothing. The first of these considerations is the more moral; and the latter probably the more politic. But this latter is eminently unjust, odious, and scarcely explicable even in the old European system, where the people have been accounted as cattle. The great and powerful nation of The United States might well establish its international jurisdiction on a base more broad, just, and liberal, without fear of losing any part of its power and importance by observing a principle so conformable with the spirit of its institutions.

I leave for the wisdom of the Secretary of State and the justice of the national Government the extension of these ideas. A Treaty of Peace, in which Yucatan is not freed from the fury of the mandarines of Mexico, on account of its conduct in the present war, or is not left at liberty to seek for admission as a free and sovereign State in the vast confederacy of The United States, which it most ardently desires as most advantageous for it; a Treaty of Peace containing no provisions of this nature is, I repeat, eminently prejudicial to Yucatan, which cannot and ought not to see itself thus sacrificed without at least uttering a cry of complaint, without taking some measure to demand justice.

For these reasons I protest, in the name of my Government and of the people of Yucatan, against the terms of this Treaty; and I demand that in any event the lot of Yucatan should be assured in it.

I repeat, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(9.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, March 3, 1848.*

I AGAIN importune the Honourable Mr. Buchanan, as the sad condition of Yucatan becomes daily more critical and truly desperate, suffering as it does treatment most inexplicable. I entreat most earnestly the Secretary to employ a moment in reading these short lines; and I pray him, in the name of justice and humanity, to obtain from the Government of The United States the order for some measure respecting the affairs of Yucatan. That country is suffering all the horrors of a war of extermination brought against it by the barbarous Indians, secretly instigated by a foreign hand. It needs arms and ammunition for its defence; it prays for those arms and ammunition from the commerce of The United States, although they might be obtained easily and cheaply at Belise; and yet difficulties of all kinds are placed in its way. The collector of New York has notified Messrs. Bouchard and Theband, merchants of that city, that he regards the ports of Yucatan as Mexican ports, and that his conduct should be governed accordingly. So that those gentlemen find it impossible to ship 10,000 or 12,000 lbs. of powder, which have been ordered by Yucatan to repel the aggressions of the savages.

In virtue of this same understanding, the collector has steadily and expressly refused to allow the privilege of drawback on foreign goods shipped for the ports of Yucatan. If such measures be sustained, the commerce formerly authorized between this country and Yucatan will be reduced to nothing, as it is impossible to make up a cargo composed exclusively of productions of The United States. In fine, is Yucatan neutral or not? If she be neutral, why is she treated as an enemy?

I do not write more at length in order that the brevity of this note may induce the Secretary to read it. It is most urgent that these grievances be remedied, and that the progress of these evils be arrested, which my unfortunate country is suffering without support on any side; and I once more most earnestly entreat you to have the proper orders given for arresting these evils.

Accept, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(10.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, *Washington, March 7, 1848.*

IN some of my anterior notes I made known to the Government of The United States, through the channel of the Secretary of State, the horrible and incalculable evils and misfortunes which the

people of Yucatan were suffering from a war, forced upon them by the barbarous Indian tribes who live on the eastern frontier of Yucatan, who have evidently been armed and incited thereto by some secret power. This savage and exterminating war has assumed such a formidable aspect, that I can, in compliance with my duty, no longer refrain from invoking, frankly and conclusively, the sympathy and humanity of this highly civilized Republican Government in favour of that people, who are every way worthy of a better fate. In the name of humanity and civilization I am compelled to demand that this Government will dictate all such measures as may be within its power; and, if possible, by a prompt intervention, put an end to this war, which threatens to produce the most lamentable consequences to the American policy.

Although I have not received any recent despatches from my Government, I am in possession of positive information that the war waged by those barbarians has taken a frightful direction; that numerous hordes of them have advanced to the very gates of the capital, and are committing the most unheard of excesses, ruining and devastating everything before them. Under these circumstances, a Spanish vessel of war presents itself, and offers to the people of Yucatan, in the name of the Captain-General of the Island of Cuba, aid and support. This opportune offer, evincing the lively sympathy of Spain in favour of her ancient colonies, was accepted without hesitation; in consequence of which, a portion of the forces, arms, and munitions of war belonging to the Spanish Crown, have been disembarked in the ports of Yucatan.

I have been notified of these facts from a source entitled to my confidence, and consider them as indubitable; and, whilst I claim for them full credit, they prove that the situation of Yucatan is truly desperate, and total extermination awaits her, unless some friendly hand is extended to succour, liberate, and save her from the horrible dangers with which she is menaced. I therefore, in virtue of instructions and orders received from my Government, in anticipation of the foregoing events, request that the Government of The United States will be pleased to take, without loss of time, such measures as it may consider necessary to protect the people of Yucatan from the brutal oppression of her barbarous assailants. It is not necessary that I should remind the Honourable Secretary of State, that humanity, civilization, and sound policy, all unite in exacting this duty at the hands of The United States. Prompt aid, given with that alacrity and good will which, I believe, is characteristic of the intelligent, free, civilized, and, above all, eminently religious people of this country, would produce the most beneficial results, and at once put a stop to a war which, otherwise, might become general.

I doubt not the terms will be humane and rational. I will, therefore, not vacillate a moment in accepting them, in the name of my Government. If the Honourable Secretary of State wishes more amplified information on any of the foregoing points, it will afford me the utmost pleasure to give it, either verbally or in writing, as he may esteem most convenient.

The gravity and transcendent importance of this subject was readily seen by Mr. Buchanan, at the interview he was pleased to give to me yesterday. I reiterate my most earnest supplication, to which end I invoke the sacred name of humanity, of liberty, and of civilization, that he will firmly and attentively view the events now taking place at Yucatan, in which, most assuredly, are involved questions of the greatest magnitude.

I beg the Honourable Secretary of State will have the goodness to favour me with an answer as soon as practicable, in order that I may be able to communicate to my Government whatever may be the determination of the Government of The United States. In the mean time I renew, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(11.)—*The Secretary of the Navy of The United States to Commodore Perry.*

SIR, *Navy Department, March 8, 1848.*

YOUR despatch of the 15th February, 1848, with its enclosure, has been received.

During my absence from Washington, a communication was received from the Honourable Secretary of State, under date 28th December, 1847, enclosing a copy of Mr. Buchanan's despatch to Mr. Sierra, a Commissioner from Yucatan. I have acted under the impression that it had been communicated to you, with instructions to conform to the wishes of the President, as made known to Mr. Sierra. On receiving your despatch, I have caused inquiry to be made, and suppose that I was mistaken. I therefore hasten to make to you this communication, and to send to you copies of Mr. Buchanan's letters to the department and to Mr. Sierra. It is desirable that the Yucatecoes shall have the benefit of the relief which was assured to them; and I therefore request that you will give immediate orders to carry out the proposed plan of exempting Yucatan vessels and cargoes from payment of duty at Laguna, as suggested in Mr. Buchanan's letter; and, as far as it can be satisfactorily ascertained, refund any duties which have been collected.

at that place since the date of February 4th, 1848, which duties would not have [been] exacted if you had received this instruction in due time, after the letter of the Secretary of State.

The President has heard with regret of the ferocious and murderous conflict now raging between the Indians and whites of Yucatan. I am happy to hear of your contemplated visit, and hope that you will be able, by your presence, to exert a favourable influence in checking the advance of the Indians towards the towns and villages on the sea coast. An application has been made to the department, and another by Mr. Sierra to the President, to allow a shipment of gunpowder, to enable the whites to defend themselves in their war with the Indians, to be landed at Sisal. I enclose you a copy of my answer. No authority can be given from the department to land articles contraband, without a knowledge of its necessity, and without satisfactory assurance that it will be applied exclusively to that object. But humanity requires that the importation should not be prevented, if you shall be satisfied that the powder is not to be used for other or hostile purposes towards us. If, when the vessel called the *Mary Ann* shall appear off the coast, the Indians shall have been defeated and dispersed, and, in your opinion, the powder should not be landed, you will not subject the vessel to any penalty or forfeiture, but will allow her to retire without landing that part of her cargo. If the contest still rages, and you are satisfied that the powder will not be used against us, you will interpose no impediment to its being landed at Sisal.

The department has entire confidence in your discretion, and in your judicious views of the best mode of maintaining intercourse with Yucatan.

I am, &c.

Commodore M. C. Perry.

J. Y. MASON.

(12.)—*Commodore Perry to the Secretary of the Navy of The United States.*

(Extract.)

Campeachy, March 13, 1848.

I HAVE it direct from the French Consul here, that the Government of Yucatan has more than twice within a few years back, applied to France for permission to hoist the French flag and to become a French colony, but their proffers have as often been declined.

The French Consul expresses the opinion that England may, in view of obtaining an increase of territory in the bay of Honduras, and possession of the harbours of Ascension and Espiritu Santo, on the east coast of Yucatan, be induced to furnish aid in troops and munitions from the settlement of Belise, and a person is now in the city, professing to be an agent sent expressly from Jamaica to enter into some arrangement with the Yucatan Government. This in-

last resort the people of Yucatan would offer up the sovereignty of the State to whatever Power would consent to take it under protection.

The Hon. J. Y. Mason.

M. C. PERRY.

(*Inclosure 1.*)—*Commodore Perry to the Secretary-General of Yucatan.*
SIR,

Campeachy, March 10, 1848.

I HAD the honour of receiving yesterday a duplicate of your communication of the 1st ultimo, and hasten to inform you that I shall take the earliest means of transmitting it to my Government, with such representations from myself of the deplorable state of the province of Yucatan, as my personal observations and inquiries will enable me to communicate.

His Excellency Governor Mendez may be assured that I shall exhibit a faithful picture of the disastrous state of things at present existing, and I need hardly say that I shall enter with promptitude upon the execution of any measures that may be ordered by my Government in aid of this unfortunate country.

With great respect, &c.

Señor J. R. Nicolin.

M. C. PERRY.

(*Inclosure 2.*)—*Mr. McKenney to Commodore Perry.*

SIR,

AT the request of his Excellency, the Governor of the State, I proceed to lay before you a succinct statement of the war waged by the Indians in the south and east of this State.

To begin with, it will be necessary to mention that, under the Colonial Government, Yucatan enjoyed a mild and paternal treatment, as far as the Spanish and their immediate descendants were concerned. The Indians formed a class of serfs, who were obliged to labour for the benefit of their Spanish conquerors, and to pay, at the same time, a tribute of 2 dollars 81 cents for each male from 14 to 60 years of age; they also had to pay 1 dollar 68 cents for men, and 1 dollar 12½ cents women, as an ecclesiastical duty, in compensation of which their agricultural products and their cattle were exempt from tithes, which were paid by the rest of the inhabitants. The church fees paid by Spaniards were much greater than those paid by the Indians.

This state of things existed until the formation of the Spanish Constitution, when slight modifications were made in favour of the Indians, but the latter were rarely put into execution in the admi-

nistration of justice, as the pre-existing abuses were kept up by the clergy and Government officers.

When Iturbide established the independence of Mexico, Yucatan became voluntarily a province of that Empire, and when the latter was changed into a Republic, Yucatan joined Mexico in forming the Federal Government in 1825; when a State Constitution was published, founded upon the liberal and enlightened principles of the 19th century.

In conformity with this Constitution, the Indians were recognized as citizens, enjoying equal rights and immunities with the other races; and although they remained subject to the before-mentioned ecclesiastical tax, the personal tax was reduced to 1 dollar 50 cents a-year for males from the age of 16 to 60.

This tax was levied upon all classes, and formed the principal revenue of the State.

A new era arose in Yucatan; a representative Government was chosen by the people; a Government liberal in its principles. As it became necessary to select suitable persons for the different branches of the Government, divisions arose, and the various parties called in the aid of the Indians, inducing them to vote in their favour.

These were the first acts of citizenship exercised by the Indians of this country, and they were thus directed to vote by violent party men, who could easily control them.

In consequence of this violent party excitement, and the fears entertained by the former Governor, Mr. Lopez, aid was solicited from Mexico, under pretext of maintaining the tranquillity of the country. This imprudent request enabled Mexico to introduce into Yucatan 2,000 of her immoral troops, who succeeded, to a certain extent, to enslave the country, by creating an almost complete disorganization, and by encouraging and aiding, alternately, the different political parties who disputed with each other the possession of power. At the same time, said troops created an expense to the State, over and above the amount contingent upon, and religiously paid by the latter to the Confederacy. Finally, towards the end of 1829, a central Government was established in Yucatan, which, as it was not adopted by the rest of the Republic, caused a separation between the latter and this State, until in 1832, the patriots of Yucatan, by their joint efforts, abolished that regimen and restored the Federation. This movement was then favoured by the revolution General Santa Anna had entered into against the administration of General Bustamente.

After this the Constitution of 1825 was again established, and the authorities which had been destituted were restored; but the same General Santa Anna, who had favoured our movement while

system, which he accomplished in 1836.

The patriots of Yucatan desired to place an efficient check to the advances and machinations of the satellites of that general; but owing to the want of skill in the militia, which was but imperfectly organized, they were compelled to yield, and their efforts only served to procure the persecution of many of the most distinguished citizens, and the expulsion of others, among whom was the present Governor of the State, then Vice-Governor.

This State, as well as all the others belonging to the Republic, was then governed by military despotism; tyranny in its worst forms weighed heavily upon the people and their defenders, destroying the industry of commerce of the country. General Santa Anna, then deeply engaged in the war of Texas, and the administration that succeeded him, when he became a prisoner in San Jacinto, were obliged to make frequent demands upon Yucatan for men and money to sustain their wars. This gave rise to odious conscriptions and exactions, which in 1839 produced a general rising against the oppressors, which commenced in Tizimin and Valladolid, and established the liberty of Yucatan towards the middle of 1840, when the last partizans of the Mexican military theocratic oligarchy, enclosed within the walls of Campeachy, capitulated and were sent to Mexico.

This was the first time the Indians were called upon to take up arms, and they contributed efficiently in procuring the liberty of the country. Afterwards they retired to their homes, and the offers made to exempt their women from the ecclesiastical tax were religiously complied with.

Prosperity once more smiled upon Yucatan; agriculture and commerce began to increase; her income was sufficient to cover her expenditures, and a considerable quantity of arms and ammunitions were purchased for her defence.

Public confidence was restored, and it was hoped that a more liberal Government in Mexico would enable Yucatan to return to former political relations with that Republic.

General Santa Anna got again into power in 1841, and, desirous to subjugate Texas, wished first to reduce Yucatan, which had refused to recognize him as President, and then to destroy the principles of liberty contained in her Constitution of 1841. He also intended to obtain from Yucatan 4,000 or 5,000 men for his projected campaign in Texas, and leaving Mexican troops in the garrisons of Yucatan.

Peva y Barazan, capitulated in Pixpenal, 5 leagues from Merida. The remainder then, under the command of General Ampudia, who was then besieging Campeachy, broke up their camp and embarked for Tobasco and Vera Cruz, after having solicited, by order of General Santa Anna, that Yucatan should send Commissioners to Mexico to procure the restoration of peace, and the re-incorporation of Yucatan into Mexico. Accordingly, a Commission was appointed, whose labours resulted in the famous Treaty of 14th December, 1843.* Unhappily enough, it had been necessary during this war to arm the Indians, and it must be confessed that they rendered efficient and useful services, which ended in the expulsion of the enemy. The war was ended; they returned again to their homes, and the Government faithfully complied with the promises made them when called into service.

This Treaty had scarcely been ratified when it was infringed, and almost annulled, by the administration of Mexico. In February, 1844, a decree was passed prohibiting the introduction of the greater part of the most valuable productions of Yucatan into the ports of the Republic, subjecting them, in case of disobedience, to confiscation. Notwithstanding the fall of this administration, that of General Herrera pursued the same policy towards Yucatan, publicly infringing the Treaty by which Yucatan became incorporated with the rest of Mexico, and projecting a decree in the Congress of Mexico, with the object of overturning entirely the stipulations of the aforesaid Treaty. On account of this, the authorities of Yucatan, after having used their utmost exertions, and solemnly protested against the proceedings of the Mexican Congress and Cabinet, declared solemnly, on the 1st of January, 1846, to separate themselves from the Republic until the Treaties aforesaid should be re-sanctioned.

The Administration of General Herrera was overturned by General Paredes, who, as President of the Republic, sent Colonel Carro to Yucatan, as his agent, with instructions to solicit the aid of the latter in the war which was about to commence between Mexico and The United States, offering, as a compensation for said aid, the faithful compliance on the part of Mexico with the Treaties already referred to, until said Treaties should be reformed by mutual consent. But the authorities of Yucatan, distrusting that General, and not wishing to engage in a war which might have been avoided, and which would necessarily have been of great injury to this

the course Yucatan would pursue, the authorities answered, accompanying the Decree of 1st of January, 1846, by which the latter had declared her temporary separation from that Republic, manifesting that, in consequence of this act, she was not disposed to take any part in the contest. This declaration, passed by a majority of the State Legislature, was seconded by the then governor, Don Miguel Barbachano, was in accordance with the wishes and opinions of the greater part of the inhabitants of the country, and in conformity with their true interests.

Unfortunately, General Hactna, although exiled from Mexico, resided in Havana; he procured a correspondence with Governor Barbachano, and other persons of standing in the country, whom he succeeded in inspiring with confidence and induced to adhere to his future ambitious plans, offering them that as soon as he would be called to the presidential chair, he would insure the fulfilment of the Treaty of 1843. Accordingly, a decree was published, dated 25th of August, recognizing General Santa Anna, as President of the Republic, which decree, in a certain measure, nullified the neutrality adopted by Yucatan in the war between Mexico and The United States.

The people of Campeachy and the City Council refused to obey this decree; but the present governor, Mr. Mendez, believing that the greatest evil which can possibly afflict any country is civil war, and that division among the whites, at a time when the Indians gave indications of rebellion against them; and considering also that in breaking the neutrality (then existing), the only result would be the occupation of the country by American forces, which, in his opinion, would be rather a benefit than an evil; induced the City Council and people of Campeachy to desist from their opposition to said decree, which was consequently published in this city.

Notwithstanding discontent and excitement occupied the minds of the people, and in spite of the efforts of Mr. Mendez to prevent it, another *pronunciamento* was made in Campeachy, on the 25th of October, 1846, against Governor Barbachano.

State Legislature, then in session, proclaimed the Constitution of 1841, reducing, at the same time, the capitation tax paid by the Indians and whites from 25 to 12½ cents per month. But Governor Barbachano thought to sustain his pretensions by force, and the State was about to be involved in a civil war, giving occasion to the Indians to a sublevation by which they seemed to inclined to profit,

with the object of destroying the other races which are infinitely inferior to them in numbers, and who were then divided among themselves. Mr. Mendez, guided by these considerations, exerted himself with so much energy that he persuaded the people to desist from their pretensions (as well those of Campeachy as many others who had adhered to the new state of things), and to submit themselves again to the Government of Mr. Barbachano.

Unfortunately enough, this submission was but of a short duration, for, on the 8th of December, of the same year, another "declaration" took place, with the same object as the former, and Mr. Mendez, convinced that the Government of Barbachano must necessarily fall, and desirous of directing the revolution in order to render it the least destructive possible to the country, took part in it, and brought it to a conclusion on the 21st of February, 1847, while the pronounced troops were occupying the capital; having only to lament the butchery and sacking of Valladolid, which were perpetrated by a multitude of Indians who had congregated spontaneously from Tihosuco, and Valladolid, situated on the eastern extremity of the State. Many whites were inhumanly murdered and their houses sacked and burnt. The Provisional Government, which succeeded that of Mr. Barbachano, hastened to send to Washington Doctor Jose Robisa, to inform the American Government of the establishment again of neutrality, and to procure, if possible, its ratification by the Government of The United States, which he obtained, although upon the condition that Luguna should be occupied by American forces, which has been of great injury to the country, and especially Campeachy, which has been constantly in favour of neutrality, and consequently entitled to the greatest consideration. This gave pretexts to partizans of General Santa Anna for frequent disorderly movements and pronunciamientos in the capital in favour of Mexico, which, although suffocated by the Government troops, have caused immense injuries to the State, demoralizing the people, and producing, finally, the insurrection of the Indians, who were stimulated to these acts of rebellion by the movers of these disorders.

In the meantime, the Indians, encouraged by the division of the whites, and stimulated by a few reprobates (whites) who resided among them, threw off all disguise and boldly took the field, proclaiming destruction to all the other races. Tihosuco was taken, and many of its citizens were inhumanly butchered; and the women, after being violated, were carried into hopeless captivity. The town was burnt and razed to the ground, and the most appalling atrocities committed.

Emboldened by the fate of Tihosuco, and made rapacious by the large booty there found, and their numbers being greatly increased,

...and arms
...the helpless inha-
...barrassment in his operations by the
...the State exhausted, the quota
...the rising of the Indians as a
...the drama which has
...been so long before the people. The troops were worn out by a
...trifling circumstance and a mere interlude to the campaign; destitute of
...tedious, and, to their view, an interminable campaign; destitute of
...clothing and wanting food, desertions became frequent, and the
...common discipline of the camp could hardly be enforced by the
...officers. These circumstances discouraged the commanding officers,
...and to prevent desertion, they were obliged to remain in their
barracks.

During these fatal but unavoidable delays, the Indians increased
in numbers and daring, and their arms, which were very few at the
commencement, were augmented by those of deserters who aban-
doned their flag.

These ravages are still progressing. Thousands of persons,
thrust from their homes, are wandering either in the forests or
villages without the means of existence, and a number equally great
have sunk into the arms of death, pierced by the dart of these fell
assassins.

In the military operations there have been some advantages
gained over the enemy, but, in other instances, the troops have
been either completely routed, or, yielding to an unaccountable
panic, have precipitately abandoned the field of battle, in some
instances losing their best officers and men. At present the alarm
has spread in all directions; consternation shades the brow of old
and young; and the fears of the flying helpless inhabitant are
frequently communicated to the men of arms who should defend
them; consequently, they are almost daily losing ground, and the
very existence of the State is threatened unless aid can be procured
to check the advances of the foe.

The present condition of the country is truly deplorable.
The finances of the Government completely exhausted; a great want
of

arms and ammunition ; some of the bravest of the officers and troops fallen victims on the field of battle, and the rest dispirited and cast down by a long and dangerous campaign, performed beneath a scorching tropical sun and through a region scarcely practicable, can hardly be persuaded to remain in the service.

The number of the Indian insurgents is exceedingly great, and the country they occupy exceedingly extensive, as will be made manifest by the following statement, which comprises the places occupied by the Indians, which towns and ranchos have almost all been destroyed and their inhabitants either murdered or ruined.

District.	Villages.	Haciendas.	Ranchos.	Inhabitants.
Yoamal	4	20	15	8,500
Valladolid.. ..	27	191	95	31,444
Tizinnir	11	20	105	18,988
Espita	2	10	120	10,600
Tekan	2	21	101	12,500
Yascaba	18	77	72	32,850
Peto	30	47	317	51,081
Bacalar	5	3	27	1,500
Total	99	389	852	162,463

Of these inhabitants, 120,000, at least, are Indians of both sexes, of whom 80,000 are males, capable of bearing arms and of assisting in the war.

Those here enumerated are now in a state of open rebellion ; but a number equal or greater may still revolt and join the file of those already in arms. Among those reputed as whites, there are many of mixed blood whose sympathies are decidedly with the Indians, and there are fears that they may be induced to take part with them, which would render the destruction of the country inevitable. This sketch, however imperfect, has been penned in great haste among continual engagements ; it is full of errors, which I have not time to correct ; but as it embraces a general idea of the existing state of affairs here, I submit it to your inspection in its present imperfect condition, promising, if you should return it, to correct it and fill up the vacancies which the want of certain documents for reference has made unavoidable.

Very respectfully, &c.

Commodore Perry.

A. McKENNEY.

critical and almost desperate condition. This Government has exerted every means in its power for the salvation of the country, and now that it has exhausted all, without finding any one capable of alleviating the difficulties which surround us, the immense accumulation of evils afflicting this State obliges me to resolve on certain measures, which the imperious law of necessity and the right of self-preservation authorize.

The white race—the civilized class of this State—is now attacked in an atrocious and barbarous manner by the aboriginal caste, which, rising simultaneously in insurrection, by an instinct of ferocity, is making a savage and exterminating war on us. Everything is ravaged and destroyed, the towns are delivered to flames, and all, without consideration of sex or age, who fall into the bloody hands of these barbarians, are murdered without pity, and with the most cruel tortures. Their forests, their fastnesses, their customs and other particular circumstances, render the Indians terrible enemies; and when to this is added their numbers, excessively superior to those of the other castes, it will be at once seen how difficult it is to restrain them, and how easily they may elude the means employed to attack and pursue them; and the difficulty becomes the greater, in consequence of the want of funds to support the expenses, and to obtain the necessaries for carrying on the war. All the resources on which we formerly relied have disappeared; the public property is daily melting away, as well by the destructive spirit of our savage enemy as from the paralyzation of industry of every kind, all our productions being wasted, and the whole country rapidly falling into absolute ruin.

By this faithful statement of the condition of Yucatan, your Excellency will see that it is indispensable to take a decisive measure, and to make a last effort, in order to save, if possible, some portion of the country, the portion which has not yet fallen into the power of the barbarians; that is to say, under their destroying axe, or their incendiary torch. I have, therefore, determined to appeal to the extreme measure suggested by our great necessity—that of soliciting the direct intervention of powerful nations, offering the dominion and sovereignty of the country to the nation which will assume the charge of saving it. With that object, I address myself to your Excellency.

The causes and antecedents of the great calamity which afflicts the people of Yucatan are obvious. I shall, therefore, not waste time in adverting to those painful circumstances. Facts, public

and notorious, will have already convinced your Government, that the people of this State, now so unfortunate, have always tended to advance in civilization and in social amelioration. There was a time in which this spirit of progress was beginning to develop itself; but a blind fatality, a mystery of fortune, has cut short the career of its glory, and involved it in misfortune, and even in humiliation.

The generous nation, which aspired with such noble resolution to ameliorate its physical and moral condition, finds itself now obliged to seek, at a venture, some aid for its preservation, some resource to prevent it from being absolutely struck out from the civilized world. May it fulfil its destinies! Rome herself, the proud queen of the world, did she not rapidly disappear, from one of those inexplicable and dreadful caprices of blind fortune? In the midst of the distress and imminent danger of Yucatan, I address myself through the medium of your Excellency to the Government of The United States, and solicit assistance efficient, prompt, powerful, and calculated to fulfil its object. This nation will properly acknowledge a service so important; and in its name I offer in that case to your nation the dominion and sovereignty of this peninsula, employing the faculty to do so given to me by the accompanying decree. Seeing, as I have already declared to your Excellency, with entire frankness, that Yucatan has no other hope of safety than in the determination of a foreign Power to favour her with assistance as promptly as possible, I find myself obliged, in like manner, to apply with this object to the Spanish and the English Governments, through their respective Ministers in Mexico, and the Captain-General of Cuba and the Admiral of Jamaica.

I pray your Excellency, in the name of this unfortunate people, to obtain from your Government the protection which I find myself obliged so urgently to solicit; and that you will ask from the Commissioner of this Government residing in Washington any accounts, explanations, or declarations which your Excellency may judge necessary or useful with regard to this important affair.

God and liberty.

I have, &c.

The Hon. J. Buchanan.

SANTO MENDEZ.

(Inclosure.)—*Decree of the Government of Yucatan.*

(Translation.) *Office of the General Secretary of the Government.*

His Excellency, the Governor, has been pleased to address to me the following Decree:

“The Constitutional Governor of the State of Yucatan to its inhabitants: Be it known that the Congress has decreed as follows:

of all the branches of the public administration.

" II. Notwithstanding what is contained in the preceding Article, the Government cannot—1st. Augment or diminish the established contributions; but, if it should believe it to be absolutely necessary for the salvation of the State, it may do so with the consent of the Council. 2nd. Nor can it exercise judicial functions, nor impose any other penalty for political delinquencies than banishment from the country, or transportation to some other part of the peninsula for two years.

III. These powers shall cease on the 1st of September next, when the Chambers meet at the second constitutional period.

IV. All the acts which the Government may do, in virtue of the faculties herein conceded, may be examined by the Legislative Chambers at their next ordinary session.

V. The Congress shall close its extraordinary session on the day when it receives from the Government the communication of its sanction to the present Decree.

JUAN ANTONIO RAMIREZ, *Deputy President.*

PANTALEON BARRERA, *President of the Senate.*

JOSE M. MENA, *Deputy Secretary.*

ALONZO AZMAR PEREZ, *Senator Secretary.*

Maxicanu, January 14, 1848.

Wherefore I order it to be printed, published, circulated, and carried into effect.

Don Jose B. Nicolin.

SANTIAGO MENDEZ.

(14.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, April 3, 1848.*

IN compliance with the most special orders, which I have just received from my Government, and following most minutely its instructions, I have now the honour once more to address the Honourable Secretary of State, upon a topic most important, grave, delicate, and admitting no delay; as otherwise the most fatal consequences may result to unfortunate Yucatan, so worthy of a better fate. I will be brief, as much so as I can be, on a matter of such immense interest for my country.

On a former occasion, and especially in my note of the latter part of last March, I invoked, in favour of my country, the sacred names of humanity, liberty, and civilization, feelings, all of which characterise the people of The United States. I again, Sir, invoke those names, and moreover the name of justice.

I solicit the formal intervention, the active and efficient co-operation of The United States, in consequence of the bloody and most cruel war, under which the people of Yucatan are now suffering. And if, conformably with the Constitution and laws of the Republic, its executive power should not possess the authority requisite, of itself, to determine on this point, I formally ask that this, my note, together with those relating to it, and which I have already delivered to the Department of State, be submitted to either of the two branches of the Legislature, as a memorial addressed by the Government of Yucatan, in the name of the nation which it represents.

The war of the barbarians, that atrocious and savage war, in which neither sex nor age is spared by those fiends, is now of a character truly formidable for Yucatan. The barbarians have destroyed with flames four towns, and more than 50 hamlets; they have swept away about 200 farms, and many other cotton and sugar plantations; they have ravaged immense fields of grain; they have murdered hundreds of white families, and, in fine, they are masters of the whole eastern, and nearly the whole western portions of Yucatan. Works which the civilization of 800 years, and the efforts of our ancestors erected, have disappeared wherever the accursed race, which now repays with fire and blood the immense benefits received by it, from the people of Yucatan, has placed its impious feet.

The numerous hordes of that race fall with surprising rapidity upon the defenceless villages, leaving them reduced to ashes, and then withdraw to the impenetrable forests of the country, setting our troops at defiance, wearing them out, disheartening them, and driving them to despair. The fewness of the wants of that race, the facility with which they support all kinds of privations, the extraordinary rapidity of their movements, all those circumstances have given them a superiority, almost irresistible. Their numbers, moreover, are augmented extraordinarily, and their means of carrying on war, instead of diminishing, actually increase. My Government, indeed, sent a Commissioner to that of Belise, to entreat that the sale of arms and munitions of war, to those barbarians, should be prevented; and the latter Government answered that this should be done. But, Sir, knowing as I do the condition of the Indians of my country, I believe that no sale is made to them there. The arms and munitions which they have, are given to them, and will continue to be given to them, gratuitously. The British Government of Belise, may act as it has promised; yet without diminishing, in any way, the resources of the Indians. Recollect, Sir, what is now going on in Central America, with regard to the unworthy and intolerable farce of the Kingdom of the Mosquitos.

to render impossible the payment of the public dues; to annihilate commerce and industry, and, in fine, to plunge the whole country into misery, prostration, and despair. The Government, without resources of any kind, deprived of the means of carrying on the war efficiently, in order to bring it to its termination, is now in the most embarrassing and difficult position; notwithstanding the active exertions of all the citizens, who have placed everything at its disposition, their persons as well as their property; but without being able to derive anything therefrom, all being ruined and destroyed. The Government cannot support the immense number of troops which it needs; nor has it arms nor munitions to give them, all having been exhausted; nor has it the means of buying them abroad. In fine, Sir, the country is falling to ruin, and its white population on the point of being extinguished by the savages, unless it should receive the sympathy, protection, and support of civilized nations.

The people of Yucatan cannot allow themselves to be murdered and destroyed without employing every means in their reach to avoid it. They must, therefore, appeal to some foreign Power, invoking in their favour, the rights of humanity and the sympathy which an enlightened and civilized people should extend to another of the same character. And to what nation can we apply, except to the powerful Republic which stands at the head of American civilization, which we hold in such esteem, and from which we expect to derive our future prosperity and advancement? Mexico regards us as her enemies, and is moreover prostrated by the events of the last year; Spain has nobly and generously offered us her aid, but we have as yet made no use of it; England is probably well disposed to assist us, as my Government has strong reason to believe. Any aid which either of those two Powers can give us would be of very little importance or expense to them; whilst to Yucatan it would be of infinite value. Observe well, Sir, and when you see that what we ask is not much, you will be convinced that Spain and England do not require greater efforts to afford them.

But, in addition to the reasons which I have presented for applying in preference to The United States, there are other considerations, which you will allow me to explain concisely. There is a declaration, made by Mr. Monroe, President of The United States, in his message to the legislative body in December, 1823,* establishing—that the American Government would regard any measure on the part of the European Powers to interfere in the affairs of the independent nations of America, by attempting to extend their

political system over those nations, as injurious and prejudicial to the public peace and security. In the annual message addressed to Congress by the present President, Mr. Polk, in December, 1846,* this same principle of non-intervention by European nations is repeated and confirmed. So that, agreeably to these doctrines, the Government of The United States would oppose the intervention of England or of Spain in the affairs of Yucatan. Thus, if such intervention should take place, as it is more than probable that it will, Yucatan would be involved in difficulty, and the condition of that country would be infinitely more unfortunate than it is now; because, in addition to all the evils of the present war, it would be exposed, on the other hand, to become the theatre of another war; since, though these doctrines of Mr. Monroe and Mr. Polk may be a declaration of the principles of The United States, the other Powers may, or may not accept them, according to their own political views and objects.

Under these considerations, I cannot persuade myself that the United States, acting, moreover, on other motives, more noble than those of policy, will not hasten to protect their brethren in Yucatan, and redeem them from the miserable condition in which they are plunged. The co-operation, the direct intervention, if Yucatan should demand it, would cost nothing to this powerful nation, when compared with the infinite advantages which Yucatan would derive from it.

Although I may seem importunate in taking up your time, Sir, so much longer, I cannot omit to copy here, literally, a paragraph from the last despatch from my Government. It is as follows:

“Considering that so much enthusiasm has been shown, especially in The United States, in favour of the Greeks, whose condition was by no means so sad, and whose prospects were by no means so dreadful as those now threatening Yucatan—considering that the strongest sympathies are now manifested in behalf of Italy, not, indeed, to rescue that country from destruction, but to improve its political condition, by supporting the generous views of a wise Pontiff—is it possible that Yucatan will not receive an assistance which would cost so little, but would be of such immense importance, to save her from so terrible a danger? Such indifference would be unworthy of civilized nations.”

Sir, the situation of Yucatan is now certainly precarious and miserable, as she is reduced to the absolute necessity of soliciting foreign aid to save her people from extermination. But in her days of prosperity, in those days which I trust in God will return, she had an annual revenue of a million of dollars, sufficient to cover all her expenses. She still has considerable public property, and lands,

fertile and rich, of which she can dispose. I mean hereby to say, that if that country is now fallen and miserable, it is in consequence of the war of the barbarians; peace will come, and with it will be re-established all the resources of the country; and all the expenses and troubles which may be employed by The United States, at this time, in aiding and protecting her, may be repaid.

Thus, Sir, I conclude by asking, in the name of the Government of Yucatan, and with the greatest warmth and urgency, that assistance be given to that country: 1. In arms and ammunitions of all kinds; and, 2. In armed forces, of such a number and of such a character as this Government may think proper.

I pray the Honourable Mr. Buchanan to grant me an answer, in order to calm the anxiety of my Government and my country. The situation of Yucatan is horrible, and every day passed in expectation of this assistance is a day of agony and wretchedness.

I have, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(15.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, April 18, 1848.*

NOTWITHSTANDING I have not had the honour to receive any answer to the very urgent notes which I directed to the Department of State on the 7th of March last, and on the 3rd of the present month, new and still more urgent orders from my Government oblige me again to address the Government of The United States, even at the risk of being considered importunate, and subjecting myself to the charge of endeavouring to withdraw the attention of the department from other more urgent and important subjects. Yet the actual situation of Yucatan is so overwhelming, so horrible, and so desperate, that I cannot do otherwise. Within the next two months the white race of Yucatan will have disappeared from the country, unless the protection of these United States should be extended over that unfortunate people.

I need not waste time in drawing the pitiable and alarming picture which that country presents, according to the last advices which I have received, dated the 27th of March, because it would be of an odious and bloody character. In the sacred name of the living God, the affrighted people of Yucatan appeal to the humanity of their happy and more fortunate neighbours, the people of The United States, to save them from utter extermination. Yucatan only wants arms, ammunition, and a few troops, together with a very small quantity of money. I invoke this aid by all those sacred ties which unite the family of men and request that the demand may be brought to the knowledge of the representative

body of the nation; and above all other things, I ask that you will have the goodness to give me a decisive answer, by which the future conduct of the people of Yucatan may be guided. There are moments, Sir, in which any delay signifies "death and extermination."

I have, &c.

The Hon. J. Buchanan.

JUSTO SIERRA.

(16.)—*Don J. G. de Estrada to Commodore Perry.*

MY DEAR SIR, (Translation.) *Campeachy, April 28, 1848.*

PERSUADED as we are, by the news from New Orleans, that the Government at Washington has resolved that you should assist us with the squadron under your command in the most efficacious manner, we are most anxiously expecting the arrival of a part of your squadron which shall disembark marines, which, if not enough to operate actively against the Indians, will at least be sufficient to sustain the authorities of the country in encouraging our own troops to march against them. But, unhappily, your esteemed favour of the 12th instant informs us that you have as yet had no instructions, and that without them you could not interfere in our behalf, however sincere your wishes in our favour might be. We are still hoping that, in consequence of the communication from this Government to that at Washington, which the *Falcon* took to New Orleans, you have now received the necessary orders. Our situation grows every day more deplorable. The Indians are already in the district of Campeachy, which is without troops to check their advances.

The terror which the barbarians inspire is inexplicable, even to us who have witnessed this desolating war from its commencement. The Governor, Barbachano, has commenced a Treaty of Peace with an Indian Chief called Pat, who, it appears, is at feud with another principal Chief, called Chi. The object which the Governor has in view is to create dissensions among them. For this reason, it has seemed necessary to yield to certain conditions, which are shameful and degrading in the extreme, and which sufficiently show the pitiful condition to which we find ourselves reduced. Our only object is to gain time, until we learn whether a powerful nation like The United States will aid us. It is evident that all the whites, who would save themselves from the knives of the savage Indians, should seek an asylum in a foreign land. We therefore beseech you, as soon as you may have received the necessary authority, to put into execution (with your accustomed energy) all the means at your disposal in our behalf.

Your excessively alarmed friend,
Commodore Perry. JOAQUIM GUTIERREZ DE ESTRADA.

(17.)—*Message from the President of The United States.*—Washington, April 29, 1848.

*To the Senate, and House of Representatives
of The United States, Washington, April 29, 1848.*

I SUBMIT for the consideration of Congress, several communications received at the Department of State from Mr. Justo Sierra, Commissioner of Yucatan, and also a communication from the Governor of that State, representing the condition of extreme suffering to which their country has been reduced by an insurrection of the Indians within its limits, and asking the aid of The United States.

These communications present a case of human suffering and misery, which cannot fail to excite the sympathies of all civilized nations. From these, and other sources of information, it appears that the Indians of Yucatan are waging a war of extermination against the white race. In this civil war, they spare neither age, nor sex, but put to death, indiscriminately, all who fall within their power. The inhabitants, panic-stricken, and destitute of arms, are flying before their savage pursuers towards the coast, and their expulsion from their country, or their extermination would seem to be inevitable, unless they can obtain assistance from abroad.

In this condition, they have, through their constituted authorities, implored the aid of this Government, to save them from destruction, offering, in case this should be granted, to transfer the "dominion and sovereignty of the peninsula" to The United States. Similar appeals for aid and protection have been made to the Spanish and the English Governments.

Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan; yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty," either to Spain, Great Britain, or any other European Power. In the language of President Monroe, in his message of December, 1823, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." In my annual message of December, 1845, I declared that "near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my pre-

decessors, that the 'American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.' This principle will apply with greatly increased force, should any European Power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The re-assertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European Power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent."

Our own security requires that the established policy, thus announced, should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situated in the Gulf of Mexico, on the North American continent, and, from its vicinity to Cuba, to the Capes of Florida, to New Orleans, and, indeed, to our whole south-western coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information that, if the aid asked from The United States be not granted, such aid will probably be obtained from some European Power which may hereafter assert a claim to "dominion and sovereignty" over Yucatan.

Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the Secretary of State to their Commissioner, dated on the 24th of December last, a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treated her as a State of the Mexican Republic. For this reason we have never officially received her Commissioner; but, whilst this is the case, we have, to a considerable extent, recognized her as a neutral in our war with Mexico. Whilst still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose, I would deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other States of the Mexican Republic in our possession, in repelling the attacks of savages upon the inhabitants, who have maintained their

neutrality in the war. But, unfortunately we cannot, at the present time, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the Gulf, not required at other points, to afford them relief; but it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must, of necessity, be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as, in their judgment, may be expedient, to prevent Yucatan from becoming a colony of any European power, which, in no event, could be permitted by The United States; and, at the same time, to rescue the white race from extermination or expulsion from their country.

JAMES K. POLK.

(18.)—*The French Consul at Campeachy to Commodore Perry.*

MR. COMMODORE, (Translation.) *Campeachy, May 9, 1848.*

You have no doubt been accurately informed by the Commanders of your ships of war of all the events which have taken place in Yucatan since your departure from Campeachy. I shall, therefore, call your attention only to the last, the Treaty concluded on the 19th of April, at Tyucacal, with the Indian Chief Jacinto Pat, of which you must also have been apprized. However shameful and disastrous it may have been for the honour and for the interests of the white race, it was nevertheless accepted with a certain eagerness. The bad faith and perfidy of the Indians created indeed some distrusts, but it was hoped that the Treaty might be observed for the space of at least some months, and this delay would afford time to receive succours from The United States or England. All these hopes were destroyed the day before yesterday, by the arrival of a courier, sent from Ticul by the General-in-chief, to apprise General Don Jose Cadenas that the Treaty of the 19th of April was annulled, by the resumption of hostilities on the part of the natives, and by the great perfidy of Jacinto Pat.

We already knew that the latter, instead of repairing to Tekan, with 50 men only, to confer with the Commissioners of the Government, on the means of pacifying the rest of Yucatan, had presented himself there at the head of 10,000 Indians, and that the troops of the Government had, from prudence, retired to Ticul. We already knew that these bands of bandits, although already bound by the Treaty, conducted themselves in Tekan as in a conquered town, pillaging everything at their pleasure, breaking the doors and windows of the houses, tearing away the gratings, and maltreating

the white inhabitants; but we were ignorant that Peucuyut and Mani were besieged, and that the last mentioned town had fallen into the power of the insurgents. There they have renewed the conflagrations and assassinations which peculiarly characterise this war of castes. At present Pat is marching on Ficul; he has also sent another division of Indians towards Hecelhakan, for the purpose of cutting off our communications with Merida. Finally, it appears that the force at his disposal amounts to 15 or 18,000 men. The Government had at Ficul only 800 men, who have retired to Merida.

On the other hand, during and after the signature of the Treaty of Tyucacal, large bodies of Indians, over whom Pat pretended to have no authority, were ravaging the whole eastern part of the districts of Campeachy, Iturbide, Xibalcheu, Komcheu, Xcupilcacal, Hopelchen, Boloucheu-ticul, &c. It is now proved that these hostilities were committed by the orders of Pat, and that he feigned to come to terms of accommodation merely for the purpose of getting from the Government the 2,500 muskets granted by the Treaty, and in order to procure the powder and lead which he wanted. All these bands are now marching on Campeachy, from which they are hardly 9 leagues distant. In the whole district there can no longer be found a single soldier in the field to retard their progress—all are dispersed or concealed. Means have been found, however, to organize here a body of 500 men, who are paid by the merchants of the place. But this body, composed of the remains of the militia, is demoralized to such a degree that they can hardly be induced to mount guard in the entrenchments which have been erected to defend the entrance to the suburbs. I am, therefore, convinced that these positions will be abandoned so soon as the Indians show themselves. The suburbs of Campeachy, which are much more important and much more populous than the town, will then fall at once into the power of the Indians, and if they should choose afterwards to make a serious attempt on the town, they will infallibly get possession of it, because this garrison of 500 men is not sufficient to confront at all points 20,000 assailants. There are still, however, at Campeachy 2,000 or 3,000 able bodied men, who might be armed. Unfortunately, General Cadenas has no more muskets to distribute among them, and the Captain-General of the Havana, to whom Mr. Mendez applied, has answered that he sent to Merida all that were at his disposal, and with these Merida has not arms enough to be able to furnish any to Campeachy.

The capital of Yucatan is in a still more dangerous position, for it is not, like Campeachy, surrounded by a bastioned wall. Its preservation, therefore, depends wholly upon the courage of its

defenders, and you are not ignorant, Mr. Commodore, that the Meridanta are not heroes. I, therefore, consider that town as irrevocably lost, if it is left to its own resources only. I hope, at least, that its inhabitants, protected by the militia troops there, may be able to effect their retreat to Sisal, where they will find Spanish ships of war to receive them.

All the misfortunes, all the dangers, which I have just represented to you, were long ago foreseen by the Government of Don Santiago Mendez, who, in order to put an end to them, promptly despatched his son-in-law, Mr. Justo Sierra, to Washington. The trifling aid which was solicited more than 4 months ago has, unfortunately, not yet been granted by the Government of The United States; now that the strength of the insurgents has increased tenfold, it will require an expedition consisting of 8,000 or 10,000 men, to put them down completely. The display of such a force here is out of the question, unless by England, who might determine upon it in order not to lose her colony of Wallis. The Government, the proscribed race of Yucatan, at present ask only of a friendly power, that 500 men may be sent to aid them in preserving, at least, the town of Campeachy, and if that power should not find it expedient to accept, in return for this service, the sovereignty of Yucatan, it might at least claim credit with the Mexican Government for having preserved for it a rallying point in the peninsula, which will hereafter enable it to reconquer the country. And certainly for this the President of the Republic, and the whole nation, would feel in the highest degree grateful. Thus, in a political point of view, this measure which the General-in-chief Butler may take the responsibility of adopting, in concert with you, Mr. Commodore, will essentially contribute to draw closer the ties of good neighbourhood, which peace is about to establish between The United States and Mexico. I will abstain from discussing here the question of humanity. Its rights and duties are too well understood by the Government of The United States to permit it in cold blood to condemn the remains of a population of 80,000 souls to perish in their last asylum, when a slight effort on its part may save them. But there must be no longer any delay in sending the assistance. The condition of affairs have now become so grave and urgent, that a day, even an hour lost, may result in the most fatal consequences. If General Butler considers the sending of these 500 men in the true point of view, he will be convinced that it will not be such an intervention in Yucatan as can give umbrage to the Mexican Government; on the contrary, he will render a signal service to the Republic, for which it will be obliged to him, and for which the Government of The United States will certainly be thanked.

This long letter which I have addressed to you, Mr. Commodore, in order to interest General Butler and yourself in the sad fate of the town of Campeachy, has been dictated to me by the misfortunes, by the despair, indeed, of this population, who are crying aloud for the aid and protection of The United States, and who have not arms to defend themselves. If General Butler can, in addition to the 500 men, send 2,000 or 3,000 of the muskets found in the arsenal of Vera Cruz, in the fortress of Perote, or on the fields of battle, 2,000 or 3,000 able-bodied men will be found here to carry them. With these means of resistance, public spirit will be reanimated, and the large number of defenders will inspire confidence and courage in the most cowardly.

Nor can I conceal it from you, that many of the principal inhabitants of the town and the ex-Governor have also begged me to write to you and to transmit to you a communication from the latter. I have yielded with pleasure to their request, because all that this honourable man represents to you of the deplorable situation of Yucatan, is literally true, and because I myself partake of their sad anticipations of the future, and of their hopes in The United States.

Permit me then, Mr. Commodore, to urge you by all these motives of policy and humanity, and by the sympathy which I feel for this unfortunate population, and particularly for Mr. Mendes, my friend, to be pleased to plead the cause of these unfortunate men, and support it with all your influence with General Butler.

I have, &c.

Commodore Perry.

LAISRE DE VILLEREQUE.

(19.)—*The Secretary of the Navy of The United States to Commodore Perry.*

SIR, (Confidential.) *Navy Department, May 12, 1848.*

YOUR course of proceeding, in your recent visit to various points along the coast as far as Campeachy, as reported in your several despatches, beginning with that of the 29th of February, has been highly satisfactory to the department.

The deplorable condition to which the State of Yucatan appears to have been reduced by the ferocious and inhuman war waged by the Indians against the Government and white inhabitants of that State, appeals most strongly to the sympathies of the civilized world, and I am gratified to perceive that you have employed your kind offices, as well as disposed of the limited force at your disposal, so as to give protection to the inhabitants who are flying from their homes before a ruthless enemy.

I was very reluctant to order the *Albany* to Lagunra, when your force was so much weakened by the return of the *Mississippi*, John

Adams, Germantown, and Saratoga to the north; but the despatches of Mr. Shields represented the condition of our citizens and their commercial interests in Venezuela as so critical, that the President considered it indispensable that a ship of war should be present to give protection if required. Your prompt despatch of the *Albany* on that interesting service is highly approved. The *Germantown*, Commander Loundes, sailed for Vera Cruz from Norfolk on the 25th of April ultimo, and the *Saratoga*, Commander Nicholson, from the same place, on the 6th instant. Commander Nicholson has orders to touch at Aux Cayes, and to give any required protection to American interests in Hayti, and to report to you with the least possible delay.

The questions presented in your despatches are of very grave import. I send you herewith a copy of a message which the President deemed to be his duty to send to Congress, on the 2nd day of the present month, in regard to the affairs of Yucatan. You will perceive that he regards it as the settled policy of The United States not to permit any colonization of new territory on the North American continent by European monarchies; and recommends to Congress that means be placed at his disposal for the military occupation of Yucatan, with a view to save the white population from destruction by the Indian race, and to prevent the practical occurrence of the question by the Yucatecoes being compelled to receive protection from any European Power.

During the present war with Mexico, conducted on our part with a humanity which must excite the pride of every American, it has been our constant policy to repel rather than encourage Indian depredations and incursions even on our enemy; and the liberal treatment extended to Yucatan, as the just reward of her neutral position, entitles her people to the full benefit of this policy.

I am aware that, from the necessity of your holding the several points now in your possession, and with your limited force, you cannot spare the means of effective assistance even, along the coast of Yucatan; and from the danger to which the vessels would be exposed in the navigation of the gulf, there would be great danger of their loss, if their crews were landed, even if they were in sufficient number, or prepared with camp equipage or field artillery, for operations inland. I have not, therefore, expected you to do more with the naval forces under your command, than to give protection to the fleeing inhabitants, and, acting on the principle of my instruction of March 8th, waiving all belligerent rights against Yucatan as a part of Mexico, our enemy, permit munitions of war to enter her ports, if you are satisfied they are to be used for the defence of the whites against the savage enemy. It will be judi-

cious to strengthen your forces at El Carmen; and, in addition to those already sent by you to Laguna, it would appear to me to be proper to send the entire detachment of marines now at Alvarado, with instructions to repel the Indians if they approach that point; but there is not sufficient force, nor have you the necessary equipment to justify a march into the interior. Such an operation should only be conducted by a well appointed military force.

Before the receipt of your despatch of the 29th of February, announcing your intention to sail for Campeachy on the next day, and communicating your purpose in regard to any intervention on the part of Spain, I had received despatches from Commander Bigelow, communicating the cautiously guarded instructions of the small Spanish vessels of war which were at Sisal. I am happy to learn, by your subsequent report, that no occasion has presented itself for you to determine whether the measures of the Spanish authorities of Cuba required interposition on your part.

While The United States are engaged in war with Mexico, the actual presence, without our consent, of the armed forces of a neutral Power within the territory of our enemy, co-operating with any portion of the Mexican people in military operations, cannot be permitted. Such a state of things it is hoped will not occur. If you should have reason to believe that it will, you will communicate it without delay, that the President may take such course as his constitutional duty will require at his hands.

The distinguished services of Commander Bigelow are highly appreciated, and you will make known to him the unqualified approbation of the department of his ready acquiescence in your request that he remain in his command, after he had received a permission to return home.

Your despatch of 29th of March will be made the subject of a special communication.

I am, &c.

Commodore Perry.

J. Y. MASON.

(20.)—*Commodore Perry to the Secretary of the Navy of The United States.*

(Extract.) *U.S. frigate Cumberland, Vera Cruz, May 16, 1848.*

INCLOSED is a copy of a letter just received from Lieutenant-Commanding McBlair, of the *Stromboli*, at Campeachy, which contains the latest intelligence from Yucatan. I also forward two communications addressed to me by ex-Governor Mendez and M. Villereque, the French Consul at Campeachy, which I regret cannot be translated in season for the departure of the steamer by which this despatch is sent.

Under all the circumstances, I shall not consider myself autho-

rized to take any step, other than the employment of two or three small vessels upon the coast, in aid of those unhappy people, without instructions from the department.

I have, &c.

The Hon. J. Y. Mason.

M. C. PERRY.

(Inclosure 1.)—*Lieutenant McBlair to Commodore Perry.*

SIR, *U.S. brig Stromboli, Campeachy, May 10, 1848.*

I HAVE been urged to address you, in the most earnest terms, concerning the crisis which seems rapidly approaching in the affairs of this city. I am sensible, however, that I can add but little to the ample accounts you have already received from various quarters of the lamentable condition of the whole province.

The Treaty with Jacinto Pat, as every one anticipated, has been of short duration. In consequence of its repeated and gross violations by the Indians, General Stergo has addressed circulars to the public authorities, declaring it null and void. The immediate provocation to this measure was the capture of Mani, and the massacre of all the inhabitants who had not fled, amounting to 150 persons.

The latest accounts state that Pat is at Pi to, and that Chi, after having succeeded in obtaining a supply of 50 trobas of powder, was advancing upon Ixmal.

Intelligence reached us yesterday of the approach of the Indians within 10 leagues of this place. A body of them, about 2,000 strong, surprised and routed a small force of militia, and captured Xtok. Throughout this community the most lively apprehensions are entertained, but neither the authorities nor the people seem animated by a spirit at all equal to the occasion. They have taken no precautions, and make no preparations, that in any manner correspond with the dangers with which they suppose themselves threatened. With the exception of raising a force of 500 men, who are to march against the Indians as soon as their organization is completed, no important step has been taken. In addition to this force, the only one under arms in the city consists of 500 militia, recruited from the poorest classes, and miserably fed, and paid by private subscription. It is said that between 2,000 and 3,000 men can be promptly raised, but there is a total want of means of equipping them. There seems to be no disposition on the part of the men of property, tradesmen, mechanics, or, in short, of those who have something at stake, and feel a real interest in the preservation of the city, to bear their share in the toils and dangers of its defence. They prefer hiring a miserable soldiery, more prompt, it is said, to pillage than to fight.

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Great fears are felt that, on the approach of the Indians, riots and disorders will occur in the throngs that will be driven to seek shelter within the walls, arising from the destitution of all means of subsistence, to which large numbers will be reduced. There will be assembled, perhaps, 40,000 souls, taking into account the inhabitants of the suburbs and the fugitives from the interior. A large proportion of this multitude will consist of Indians, whose sympathies with their race will be likely to render them disaffected. There can be very little doubt that all these dangers are magnified by the panic which seems to have seized upon all minds; but I am reluctant to believe for a moment that, if the Campechanos are true to themselves, and profit by the ample means of defence with which the city is provided, there is any well-grounded fear of its falling into the possession of the Indians.

Answers to the overtures made to our Government by Yucatan are still anxiously awaited. Mr. Mendez received recently letters from the Commissioner at Washington, which promised no prospect of aid from that quarter; they were written, however, before the despatches sent by the *Falcon* had arrived. A communication has been received from the British Minister, which gives the Government encouragement to hope for assistance from England, as soon as the condition of affairs is made known there.

It is urged by men of intelligence here that foreign aid, in an emergency so pressing, cannot justly be regarded as a political question. It resolves itself into a simple act of humanity. The war is one of extermination on the part of the Indians; characterized by the most ferocious cruelty, and directed against a civilized community, far inferior to them in numerical force; and it is earnestly contended that, in such an unhappy exigency, the appeal that has been made for succour and protection cannot, with any show of justice, be denied.

It is very far from my purpose to offer any opinion of my own on a question at once so delicate and of that magnitude; and I have permitted myself to allude to what the Yucatecos urge in their own behalf, solely with a view of exhibiting to you public sentiment, on that subject, as it exists here. I am, &c.

Commodore M. C. Perry.

C. H. McBLAIR.

(*Inclosure 2.*)—*Señor Mendez to Commodore Perry.*

RESPECTED SIR, (Translation.) *Campeachy, May 9, 1848.*

ALTHOUGH I have received no letter from you since your departure from this city, I take the liberty of intruding on you, because the situation in which we find ourselves is most distressing, and

while your Government views with dissatisfaction, and is even disposed to prevent our obtaining assistance from other Powers, it will leave us to perish ; and take pleasure in the spectacle of the prolonged agony, and the destruction of a civilized and friendly people, who, perhaps, on account of their being friendly, are now involved in this terrible calamity.

You will have been apprised that I retired from the Governorship and transferred it to Don Miguel Barbachano ; and you will also have been informed that the object of this political measure was to facilitate the conclusion of a truce with a portion of the insurgent Indians, whose Chief manifested a disposition to come to terms, but was apparently distrustful of any other Governor than Señor Barbachano. The agreement referred to was, in fact, concluded, and Mr. Barbachano had to ratify it with closed eyes, although it covered us with shame, and himself especially, since it is asserted in Article V that the object of the insurrection was to replace him in the Governorship, which is absolutely false ; but it was necessary to overlook everything, with the view of neutralizing a portion of the insurgents, and being able to make head against the others, thus gaining time to see whether The United States would resolve to aid us, or consent that some other Power should do so, and receive in payment the sovereignty and dominion of the peninsula of Yucatan.

But all has been unavailing ; for, whether the Chief, Jacinto Pat, was actuated by bad faith, or was unable to compel his followers to obedience, the Convention has been disregarded by them, and they have invaded other towns, slaughtering a multitude of victims, and are now preparing, after having destroyed the beautiful towns of the district of Hopelchen, belonging to the department of Campeachy, to besiege this city, from which the insurgents are only 12 leagues distant ; and in which, although we might arm 3,000 men, and sustain ourselves a long time, if we could reckon on some assistance in provisions and munitions of war, yet we have only 600 muskets—a number too small and insignificant for the defence of the town, which must succumb, miserably, a victim to the egotism (pardon my grief for indulging in this expression) of The United States, unless you resolve to aid us, if you can do nothing else, at least with 2,000 of the muskets found in Vera Cruz when it capitulated.

I hope, Mr. Commodore, that you will, for this once, and while you are awaiting the orders of your Government, which I have no doubt will be favourable to our wishes, risk your responsibility

somewhat by following the impulses of your heart, which cannot otherwise than incline you to aid us in our extreme affliction and peril.

So may God prosper your nation and Government, yourself and family, &c.

Commodore M. C. Perry.

SANTIAGO MENDEZ.

(21.)—*The Commissioner of Yucatan to the Secretary of State of The United States.*

SIR, (Translation.) *Washington, May 23, 1848.*

ALTHOUGH it may be for the last time, allow me to bring to the hearing of the Government and people of The United States the expiring voice of Yucatan, perishing as she is, not only by the murderous knife of the barbarians, but from the horrible effects of famine, already beginning to extend its ravages over the unfortunate beings who have escaped the fury of the assassins. I address the present note in compliance with express orders which I have just received, under date of 1st of this month of May.

True it is, Sir, that the Government of Yucatan had submitted to all the conditions of a Treaty of Peace with the barbarians, in which, in order to save from extermination the rich and important cities of Fewax and Izamal, the only barriers restraining the savages, who were about to fall upon the capital, the said Government consented to accept all the sacrifices required by the Indians, even to the sacrifice of the Republican principle so much revered by the people of Yucatan. And this was done, not because the slightest faith was placed in the treacherous and felonious conduct of a race which it pleases some now to call civilized, without their having any other titles to that appellation than those given by our absurd policy, which called them to participate in the enjoyments and rights which they cannot comprehend, and they probably never will comprehend, judging by the brutal stupidity with which they have resisted them; but it was done in order to obtain a moment for breathing, and to see if it would be possible in the end to obtain the assistance which had been so earnestly entreated, in the most holy name which can be invoked towards a Christian people.

But, Sir, not for a moment could any advantage be secured by this ignominious submission to the savages. Emboldened by this new and decisive triumph, they treacherously violated the peace on the very day when it was concluded, and setting at naught the compact dictated by themselves at their own pleasure, they rushed forth again in the career of extermination and destruction with ever-increasing fury. The towns of Iturbide and Zibalchen were

ciently energetic to apply to it.

Mr. Secretary, the situation of Yucatan, so far from having been improved, has already reached a point absolutely desperate. And for its greater misfortune, the Captain-General of the island of Cuba has expressly refused to afford any further aid, from reasons of high policy. The Secretary of State may easily conceive what these reasons are.

Famine and misery, combined with all the pervading panic, are now about to produce the most strange and terrific consequences, even among the people of the white race themselves. Disarmed, starving, and naked, the wretched people of Yucatan, unless the protection and mercy of God should move the generous hearts of the people of The United States, are about to perish in a manner never before seen on earth ; in a manner of which history offers no example ; and only because their misfortunes are not understood, and they are judged, not from positive and certain evidence, but on vague and slight assertions.

In compliance with the new orders which I have just received, I again implore the generous aid of The United States. Give us, Sir, arms, arms and munitions of war, in the first place ; a little assistance in money, if possible, in order to appease hunger, and to clothe the nakedness of our wretched people ; and some regiments to assist us in repelling the savages, who are murdering us, robbing us, and destroying all the wealth of the country, hitherto so flourishing. This assistance can alone save that most unfortunate people, who have never been cowards in reality, but whom a number of causes have combined to cast into humiliation and misery.

I lose no time in communicating to the Secretary these new supplications of Yucatan, and I pray him to communicate them to the President of The United States, that he may use them as he may prefer.

I repeat to Mr. Buchanan, &c.
The Hon. J. Buchanan.

JUSTO SIERRA.

DECREE of the President of New Granada, granting an exclusive privilege for Opening a Canal between the Gulf of San Miguel and Caledonia Bay (Isthmus of Darien.)—Bogotá, June 1, 1852.

THE SENATE AND CHAMBER OF REPRESENTATIVES OF
NEW GRANADA IN CONGRESS ASSEMBLED,

UPON the petition addressed to the Executive Power by Mr. Patrick Wilson and Doctor Edward Cullen, asking in their own names and on the part of Messrs. Charles Fox, John Henderson, and Thomas Brassey, for an exclusive privilege for constructing an interoceanic canal across the Isthmus of Darien,

DECREE:

ART. I. An exclusive privilege is hereby granted for opening a canal to connect the Atlantic and Pacific oceans through the Isthmus of Darien; the contractors to be at liberty to select the line they think proper between the Gulf of San Miguel and the Bay of Caledonia, and they are moreover at liberty to adopt on the Atlantic side any spot they may deem convenient between Mosquito Point and the westernmost mouth of the Atrato, for the termination of the canal, should there be any obstacle to its terminating in the bay above-mentioned. The conditions of this privilege are contained in the following Articles:

II. The privilege granted by the preceding Article shall last for 99 years.

III. The time of the duration of the privilege shall begin to run from the day on which, the works being concluded, the canal shall be opened to the public, and dues shall be collected for passage, on account of the contracting Company.

IV. During the time of the privilege, the Government of the Republic will not undertake on its own account, nor will it grant to any Company or individual whatever the right to construct a canal to communicate between the two oceans across the territory specified in Article I.

Should the Company construct a railroad as an auxiliary to the canal, across the said territory, the Government will not make on its own account, nor allow any Company or individual whatsoever to make another railroad in the same territory, during the period granted for making and holding possession of the canal.

V. The canal shall be put into operation within 10 years from the day on which the privilege is granted; but if, after more than a third part is constructed, the Company should become aware that the whole cannot be completed within the 10 years specified in this Article, then the Executive Government may extend the term for

4 years more, over and above the 10 stipulated for the termination of the works, and this extension shall not involve any of the penalties stipulated in Articles XXXVIII and XLI.

VI. The canal shall have the width, depth, and every other condition necessary for its navigation by sailing and steam vessels of at least 400 tons burthen.

VII. Such national lands are hereby granted to the Company, as may be required for digging the canal, for the establishment of maritime ports, landing-places, mooring grounds, warehouses, inns, and generally for all purposes necessary for the construction and service of the canal. The national land necessary for making the railroad is also granted, should the Company deem it proper to make one. During the whole of the time granted for the privilege, the Company shall enjoy the gratuitous possession of those lands, which shall return to the dominion of the Republic, together with the canal and railroad, at the expiration of the term of the privilege.

VIII. If the land in which the canal is to be dug, or the railway constructed, should be wholly or in part private property, the Company shall have the right to take the same, under an order of the Governor of the province, such land having been previously valued and a just indemnification made to the proprietor thereof, agreeably to the enactments of the Law of the 2nd of June, 1848, which determines the cases in which private property may be taken for public uses, and the forms in such cases to be observed.

IX. A grant is hereby made to the privileged Company, gratuitously and for ever, as an aid towards the works of the canal, of 100,000 fanegues of national lands, in the provinces that the Company may select, without prejudice to the rights acquired by other Companies or individuals, by virtue of contracts or other legal titles previously to the granting of this privilege. The Company is at liberty to dispose of these lands, or to sell them, at their pleasure; but they shall not be disposed of upon any pretence to a foreign nation or Government. If at the expiration of this privilege any part of these lands should lie waste, it shall again become the property of the Republic.

X. The Company shall be at liberty to select the national lands granted to it by the preceding Article under the following restrictions: 1st. In the immediate neighbourhood of the canal or railroad it cannot take portions of more than 8,000 fanegues, being under the strict obligation to leave intervals of equal extent to those it may take, in places contiguous to the canal or railroad, in order that the Government of the Republic may dispose of the lands contained in the said intervals, as it may deem convenient. 2nd. In whatever other situations the Company may select lands, it shall not take in one portion more than 6,000, nor less than 3,000 fanegues.

3rd. The selection of these lands must be made during the first two years of the 10 granted for constructing the canal. 4th. The Company shall not select lands that may already have been specified and measured, in order to be ceded to any other privileged Company. 5th. It is the business of the Company to prove that the lands are national lands, to make the plan thereof and to measure them.

XI. Privilege is granted to the Company for the time it remains in possession: 1st. For embarking merchandize to be left at the ports situated at the two extremities of the canal, or of transporting the same in other vessels by the canal, towards their destination, should the vessel carrying such goods not have been destined for passing through the canal; 2nd. To make use of the intermediate ports necessary or specially fit for storing and freely depositing all goods and merchandize destined for transit, and which it may be convenient previously to disembark at the said ports; in all which ports and places the Government may station such officers and take all such measures as it may deem necessary to prevent smuggling. The buildings erected by the Company for warehouses of deposit in the ports and landing-places are to be built on such a plan that a single individual may be sufficient to prevent smuggling.

XII. The ports at the two extremities of the canal shall be free and unrestricted for the commerce of all nations, and in them no anchorage, tonnage, port, or importation duties whatever shall be levied except upon the goods intended for consumption in other parts of New Granada. The ports will therefore be authorized for importation from the time of the opening of the canal, and the Government will establish in the same the Custom-Houses and preventive force which it may deem convenient for the purpose of collecting the importation duties upon the goods destined for other parts of New Granada, and for the prevention of smuggling.

XIII. The Government of the Republic declares the ports at both extremities of the canal and also the waters of the same from one sea to the other to be at all times neutral; and, consequently, in the case of war between other nations, or between either or any of them and New Granada, the trade by the canal shall not be interrupted on that account, and the trading vessels and individuals of all the nations of the earth, may enter the said ports, and pass by the canal without any let or hindrance whatsoever. Foreign troops are excepted, and cannot pass without leave from the Congress.

XIV. The Government of the Republic, in the Treaties concluded with other nations, will cause them to acknowledge the Granadian nationality, and to guarantee, if possible, the neutrality of the ports and canal mentioned in the foregoing Article.

XV. The privileged Company shall have the right of importing

freely, and without payment of duties of any class whatever, all machinery, instruments, tools and materials for building houses, as well as the food and clothing for the workmen, that may be required during the time granted for the construction of the canal.

XVI. No contribution, either national, municipal, or of any other class, shall be levied upon the canal, nor upon the tugs or towing-vessels of the Company, nor upon its warehouses, furniture, machinery, or other things or effects belonging to it of whatever kind, and which in the opinion of the Executive Government may be necessary for the service of the canal, or of its appurtenances, during the period granted to the Company for constructing and using the canal.

XVII. The passengers, specie, merchandize, effects and property of all kinds transported by the canal from one ocean to the other, shall be exempt from all duties and imposts, whether national, municipal, or of any other kind. The same exemption extends to all the goods and merchandize remaining in deposit at the ports, warehouses and stations of the Company, and destined either for the interior or for abroad; but the goods intended for consumption in the interior of the Republic shall pay the national imposts established, or such as may be hereafter established, on such goods leaving the warehouses of the Company, for which purpose the removal shall be with the knowledge of the officers of the Republic, and agreeably to the laws and to the regulations laid down by the Executive Power.

XVIII. Passengers travelling by the canal do not require passports, unless that in case of foreign war or of interior commotion the Government should think it convenient to require them in consequence of such circumstances; but all vessels passing through the canal shall be under the obligation of presenting at the port situated at the extremity of the canal where they arrive first, their manifest and the ship's papers, as established by law or by public Treaties, in order that vessels may navigate freely. Vessels not possessed of such papers, or refusing to present them, may be detained and proceeded against according to law.

XIX. When there are national importation duties established upon goods destined for consumption in the territory adjacent to the canal, all vessels passing by the canal from one sea to the other, are to pass with their hatches closed and sealed by the Custom-House of the port at which they arrive at either extremity of the canal; and they shall receive on board one or more Government officers, whose duty it is to watch that during the passage through the canal no part of the cargo be landed. But if, after having passed the canal, the owner of any vessel should wish to disembark and dispose of the cargo at the port of the extremity

wherein he comes to such determination, the discharge of the cargo shall be allowed after the legal formalities.

XX. Vessels carrying effects destined for the works of the canal, agreeably to Article XV, shall have free access to any of the places comprised within the territory set forth in Article I, although no Custom-House should be established, from the day on which the contractors may require it for the commencement of the works. And for the prevention of fraud, the contractors shall be obliged to give previous notice at the Custom-House of Cartagena should the vessel be destined for Caledonia Bay, and at the Custom-House of Buenaventura if for the gulf of San Miguel.

XXI. The Company has, during the term of the privilege, the exclusive right to establish the tariff of prices which are to be paid for the transit by the canal, use of ports, warehouses and wharves; and no vessel shall pass through the canal without paying such prices, the rate of which shall at all times be equal for individuals, vessels, merchandize, and property of all nations.

XXII. The construction of the canal is considered as a work of public utility.

XXIII. The Government of New Granada shall establish such regulations arising from the concession of this privilege, as may be necessary or convenient for preventing smuggling, and shall take, in concert with the contractors, such measures and precautions as prudence may dictate for protecting the country against the pretensions of any foreign Power.

XXIV. The Company is authorized to propose to the Executive Government the regulations which it may deem convenient for the police, use, and safety of its line of communication, ports, works and establishments of all kinds; but such regulations shall not be carried into effect without the express approbation of the national Government, which, after having approved of them, may reform or annul the same as may be found convenient, proceeding always in accordance with the laws of the Republic.

XXV. In consideration of receiving payment of the dues and prices of transport as fixed by itself, the Company undertakes the constant transport, with care, punctuality and rapidity, and without exception of nationality, of travellers, cattle, merchandize, effects and materials of all kinds, that may be confided to its care, the same to be transported without any other special abatement in the tariff prices than that which may be accorded to the nations that may have bound, or may in future bind themselves by means of public Treaties concluded with New Granada, to guarantee positively and effectually to this Republic the rights of sovereignty and property over the isthmuses of Panamá and Darien and the coasts adjacent, and the perfect neutrality of the said isthmuses and ports

so that at no time the free transit by those isthmuses or by this canal be interrupted or embarrassed; but it is to be expressly noted, and is, therefore, here especially stipulated, that New Granada, the Granadians and their property shall enjoy all the benefits and advantages which any other nation may obtain by virtue of the provisions of this Article.

XXVI. The Company shall convey gratuitously the men in the service of the Republic, and the munitions of war which it may be necessary to send by the canal, in order to provide for external safety or the maintenance of public order.

XXVII. All correspondence arriving from places within the territory of the Republic, or from foreign countries, to be conveyed by the canal, or by the railroad mentioned in Article IV, must be forwarded by the post-masters of New Granada, and the Company shall undertake the obligation of transporting the said correspondence from one extremity of the canal or railroad to the other, receiving for this service a third part of the sums collected for the receipt, conveyance and delivery of the said correspondence; and the Government, whenever it may deem proper, can cause the correspondence to be conveyed by public servants, but without affecting the right which the Company has to one-third of the postage, fixed by the Government of the Republic.

XXVIII. All foreigners establishing themselves on the lands granted to the Company shall enjoy perfect liberty of worship.

XXIX. All foreigners settling on the lands granted to the Company have the right to obtain letters of citizenship on demanding the same, and declaring that they fix their residence in the territory of the Republic, and from the time of their receiving such letters they become entitled to exercise all political rights now established, or that in future may be established by the constitution and laws of the Republic in favour of other Granadians.

XXX. The Company contracts the obligation of executing at its own cost, risk, and hazard, all the works necessary for constructing and establishing the canal of communication between the two oceans, on the line it may mark out at any of the places comprised in the territory denoted in Article I.

XXXI. The contractors shall pay to the Government of New Granada for the first 80 years, 3 per cent., and for the last 19 years 5 per cent. upon the net amount of the annual profits of the undertaking, without taking into account for the payment of this percentage, any deduction for presumed interest upon the capital invested in the works, or for any sums set apart as a reserve fund or as a sinking fund. And for the receipt of the said percentage, the Government shall depend in the same manner as the shareholders

of the undertaking, upon the accounts produced and liquidated conformably to the statutes of the Company. And the Agent of the Republic appointed for that purpose shall have liberty to take cognizance of the said accounts as well as of the cost of the undertaking and of the books and documents relating thereto, and to make observations and institute claims on the same footing as any shareholder, but without authority to intermeddle with the management of the affairs of the undertaking. The payment of the said percentage is to take place annually at the place appointed by the Executive Power.

XXXII. At the expiration of the privilege the canal, wharves, warehouses of deposit, and all the buildings and works annexed, which the contractors may have constructed at both the extremities and along the course of the canal, either for the purpose of Custom-Houses or any other connected with the service and administration of the canal, shall become the property of the Republic, and shall be made over to the same, together with the auxiliary railroad and all its dependencies, should it have been constructed by the Company or by other parties in its name. To the above end, after the works are concluded, the Company shall, at its own expense, and with the aid of the Government agents, draw up a circumstantial inventory of the canal and of the buildings and works annexed and of all other property which is to be made over to the Republic. The contractors shall moreover make out similar statements descriptive of all subsequent works of the same kind which may be executed during the time they remain in possession of the privilege.

XXXIII. An exact and authentic duplicate copy of the documents mentioned in the preceding Article, shall be delivered by the contractors to the Secretary of State having charge of the department of public works, in order to be deposited in the public archives for the purposes that may occur during the course of the privilege and at the time of its expiration.

XXXIV. A year previous to the expiration of the privilege, the contractors, having previously notified the Government Agents appointed for that purpose, shall make a valuation of the works which on the conclusion of the privilege are to be made over to the Government; and of these valuations as also of the descriptive statements of the works made at the same time as the valuation, a duplicate copy shall be deposited in such office as the Executive Power shall direct, in order to be brought forward at the time of transferring the canal and its dependencies to the Government.

XXXV. The Company shall insure the fulfilment of the obligations which it undertakes for this privilege by the sum of 24,000*l.* sterling, which it shall place at the disposal of the Government of

the Republic in Bogotá, London, or New York, as the Executive Power may determine, within the period stipulated in Article XLII. The above sum is to be returned to the Company without any interest whatever as soon as the works of the canal are completed and opened to the public.

XXXVI. The Company shall not make over this privilege, by sale or in any other manner, to any Government or foreign nation; and neither the Company nor any of its members shall in any case apply to any foreign Power to interfere in the decision of any difference that may occur respecting this privilege, or the works that are to be constructed in fulfilment of it; or regarding the non-fulfilment of the stipulated conditions, as all such differences must in every case be decided by the judicial authorities, and agreeably to the laws of New Granada; and in no case shall any privilege, immunity, or exemption be alleged that is not expressly recognized by the present privilege.

XXXVII. The Company shall reserve a tenth part of the shares for sale to such Granadian capitalists as may desire to take a part in the undertaking, and shall not dispose of the same to other parties until 6 months after the concession of the privilege.

XXXVIII. This privilege shall become null and void in the following cases: 1st. Should the Company to whom it is granted not deposit, to the satisfaction of the Government of the Republic, within the term fixed by Article XLI, the sum by which it is to insure the construction of the works and the fulfilment of the other obligations which it has contracted; 2nd. If, within the first 24 months of the 10 years fixed for constructing the canal, the works be not commenced; 3rd. If, at the expiration of the term fixed by Article V, for the construction of the canal, the works should not be completed; should the extension have been granted, as mentioned in the said Article, then the privilege becomes void if the works be not completed at its termination; 4th. Should the contracting Company dispose of the privilege to any Government or foreign nation; and 5th. Should the Company cooperate in any act of rebellion against the Government of the Republic with the view of withdrawing from its dominion the territory in which the canal is situated.

XXXIX. In the first of the cases of the privilege becoming void, as stipulated in Article XXXVIII, the declaration that it is so, shall be made by the Government immediately upon the term for depositing the money for insuring the fulfilment of the contract having expired, without the deposit being made. In the second case, mentioned in the said Article, the Executive Power shall likewise make the declaration that the privilege is void, should it be authentically proved that none of the works have been commenced within

the term specified in the said Article; but should some of the works be done so as to leave a doubt whether or not the Company has come under the second case of nullity of the privilege, then the Supreme Court of Justice shall decide on the matter.

XL. In the 3rd, 4th, and 5th cases of Article XXXVIII, the Supreme Court of Justice of the Republic, or the superior tribunal which may replace it in case of its being suppressed, shall decide whether the privilege has become null and void.

XLI. In whichever of the cases the nullity of the privilege is declared, the Company shall forfeit in favour of the Republic: 1st. The sum of money with which it is to insure the execution of the undertaking agreeably to Article XXXV; 2nd. All the public lands granted to the Company, which shall again come under the dominion of the Republic, in the state in which they may be; 3rd. All the works, buildings, and improvements made by the Company in the state in which they may be, and also all the materials prepared for executing any work for the canal or its appurtenances.

The Republic shall make no indemnification whatever for the buildings, works, improvements, and materials which may be forfeited by the Company agreeably to this Article.

XLII. The present privilege shall be adjudged to Edward Callen, Charles Fox, John Henderson, and Thomas Brassey, and the Company which they may form for the purpose, on the day on which they give the security required by Article XXXV. For giving the said security the term of 12 months is hereby granted to them, from the day of the publishing of this Decree.

XLIII. If at the expiration of the 12 months granted by the preceding Article for giving the security stipulated in Article XXXV, the security should not have been given, and the privilege should consequently become void, as well as in any of the cases specified in Article XXXVIII, the Executive Power is hereby authorized to grant the said privilege to any other person or Company, on the same conditions or on the best that can be obtained.

XLIV. In case this privilege should become null and void, the Executive Power shall put it up to public competition, in order that any person or Company that may desire to offer better conditions for the privilege may obtain the necessary information and prepare their proposals. The improved conditions can only apply to one or more of the following points: 1st. A greater proportional share for the Republic of the profits on the undertaking; 2nd. A shorter period for the duration of the privilege; 3rd. A larger amount as guarantee for the fulfilment of the conditions of the privilege. But no improved condition will be admissible for the Republic's share of the profits, should it be of less than one per cent. on the profits of the undertaking, nor for the time of the privilege if of less than 5

years, nor for the increased deposit as guarantee if of less than 6,000*l.* sterling.

XLV. In order to decide on the different improvements which may be offered, the following will be considered as equivalent: one per cent. on the profits, 5 years less in the term of the privilege and 10,000*l.* more in the sum deposited as guarantee.

XLVI. Any person proposing to offer better conditions for this privilege must present the signature or signatures of individuals, houses, or companies of respectability, capable of answering for a sum at least equal to that expressed in Article XXXV, and of engaging to answer for the fulfilment of the offer. The responsibility of these sureties ceases upon the deposit of the sum required by the said Article XXXV, or on the proposal being declared inadmissible.

XLVII. On the day that the Executive Government shall have appointed, with 10 months previous notice, these proposals shall be presented, sealed, to the Secretary of Foreign Affairs and Internal Improvements, and that functionary shall open and read them in presence of the persons making the proposals, or of their attorneys, who may wish to be present at the opening.

XLVIII. In the course of the two following days, the Executive Power shall determine which of the admissible proposals is preferable, and his resolution declaring the preference, or accepting the proposal, shall be published in the Official Gazette, within three days. Should no proposal have been made, or should those presented be found inadmissible, the Executive Power shall declare such to be the case, and this declaration shall be published within the term specified in this Article.

XLIX. This privilege shall be of no effect if the persons that have applied, or that may hereafter apply for it, do not obtain the consent of the Panamá Railway Company, as it is not intended by the present Decree to alter the contract made with the said Company, nor to deprive it of any of the rights granted to it.

Given at Bogotá, the 29th of May, 1852.

VICENTE LOMBANA, *President of the Senate.*

JUSTO AROSEMENA, *President of the Chamber of Representatives.*

Bogotá, June 1, 1852.

Let it be executed and published.

JOSE HILARIO LOPEZ, *President of the Republic.*

JOSE MARIA PLATA, *Secretary for Foreign Affairs.*

TRAITE d'Amitié, de Commerce, et de Navigation, entre les Etats de l'Association de Douanes et de Commerce Allemande, les Grand-Duchés de Mecklembourg-Schwerin et de Mecklembourg-Strélitz et les Villes Hanséatiques de Lubeck, Brême et Hambourg d'une part, et la Chine d'autre part.—Signé à Tientsin, le 2 Septembre, 1861.*

[Ratifications échangées à Shanghai, le 14 Janvier, 1863.]

SA Majesté le Roi de Prusse, agissant tant en Son nom qu'au nom des autres membres de l'Association de Douanes et de commerce Allemande, savoir :

La Couronne de Bavière, la Couronne de Saxe, la Couronne de Hanovre, la Couronne de Wurtemberg, le Grand-Duché de Bade, l'Electorat de Hesse, le Grand-Duché de Hesse, le Duché de Brunswik, le Grand-Duché d'Oldenbourg, le Grand-Duché de Luxembourg, le Grand-Duché de Saxe, les Duchés de Saxe-Meiningen, de Saxe-Altenbourg et de Saxe-Cobourg et Gotha, le Duché de Nassau, les Principautés de Waldeck et Pyrmont, les Duchés d'Anhalt-Dessau-Coethen et d'Anhalt-Bernbourg, la Principauté de Lippe, les Principautés de Schwarzbourg-Rudolstadt et Schwarzbourg-Sondershausen, de Reuss, ligne aînée et de Reuss, ligne cadette, la ville libre de Francfort, le Grand-Baillage de Meisenheim du Landgraviat de Hesse et le Baillage de Hombourg du Landgraviat de Hesse, ainsi que les Grand-Duchés de Mecklembourg-Schwerin et de Mecklembourg-Strélitz et les Sénats des villes Hanséatiques de Lubeck, Brême et Hambourg d'une part ; et

Sa Majesté l'Empereur de Chine d'autre part, sincèrement désireux d'établir des rapports d'amitié entre les susdits Etats et la Chine, ont voulu les consolider par un Traité d'Amitié, de Commerce et de Navigation, réciproquement avantageux et utile aux sujets des Hautes Puissances Contractantes ; à cet effet ont désigné pour Leurs Plénipotentiaires :

Sa Majesté le Roi de Prusse, Son Chambellan le Sieur Frédéric Albert Comte d'Eulenburg, Envoyé Extraordinaire et Ministre Plénipotentiaire, Chevalier de l'Ordre de l'Aigle Rouge de la troisième classe avec le noeud, Chevalier de l'Ordre de St. Jean de Jérusalem, &c. ; et

Sa Majesté l'Empereur de Chine Tchong-luen Membre Assistant du Ministère des Affaires Etrangères de Pékin, Directeur-Général des Greniers Publics et Commissaire Impérial ; Tchong-Heou, Sous-Secrétaire d'Etat Honoraire, Surintendant des 3 Ports du Nord et Commissaire Impérial adjoint, lesquels, après avoir échangé leurs pleins pouvoirs et les ayant trouvés en bonne et due forme, ont arrêtés les Articles suivants.

* Signed also in the German and Chinese languages.

ART. I. Il y aura paix constante et amitié perpétuelle entre les Etats Contractants. Leurs sujets jouiront dans les Etats respectifs des uns et des autres d'une pleine et entière protection pour leurs personnes et leurs propriétés.

II. Sa Majesté le Roi de Prusse pourra, si bon Lui semble, accréditer un Agent Diplomatique près la Cour de Pékin et Sa Majesté l'Empereur de Chine pourra de même, si bon Lui semble, accréditer un Agent Diplomatique près la cour de Berlin.

L'Agent Diplomatique accrédité par Sa Majesté le Roi de Prusse aura le droit, de représenter diplomatiquement les autres Etats Allemands Contractants qui d'après le présent Traité n'ont pas le droit de se faire représenter près la cour de Pékin par un Agent Diplomatique Spécial.

Sa Majesté l'Empereur de Chine consent à ce que l'Agent Diplomatique accrédité par Sa Majesté le Roi de Prusse, ainsi que sa famille et les gens de sa maison, résident à demeure fixe à Pékin, ou s'y rendent éventuellement, au Choix du Gouvernement Prussien.

III. Les Agents Diplomatiques de Prusse et de Chine jouiront réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens; leur personne, leur famille, leur maison et leur correspondance seront inviolables. Ils ne pourront pas être restreints dans le Choix ni dans l'emploi de leurs employés, courriers, interprètes, serviteurs, &c.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques seront supportées par les Gouvernements respectifs.

Les autorités Chinoises donneront à l'Agent Diplomatique de Prusse toutes les facilités possibles pour louer un emplacement et une maison convenable à la Capitale quand il devra y établir sa résidence.

IV. Les Etats Allemands Contractants pourront nommer en Chine un Consul-Général, et dans les ports et villes ouverts, où leurs intérêts l'exigeront, un Consul, Vice-Consul ou Agent-Consulaire, chargés de traiter les affaires de leurs nationaux.

Ces Agents seront traités par les Autorités Chinoises avec la considération et les égards qui leur sont dus, et ils jouiront des mêmes privilèges et prérogatives, que les Agents-Consulaires de la nation la plus favorisée.

En cas d'absence de l'Agent Consulaire Allemand les sujets des Etats Allemands Contractants auront la faculté de s'adresser au Consul d'une Puissance amie ou, en cas d'urgence, au chef de la Douane, qui avisera au moyen de leur assurer tous les bénéfices du présent Traité.

V. Les communications officielles de l'Agent Diplomatique Prussien ou des Autorités Consulaires des Etats Allemands Contractants avec les Autorités Chinoises seront écrites en Allemand. Jusqu'à disposition ultérieure elles seront accompagnées d'une

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traduction Chinoise, mais il est expressément entendu que, en cas de dissidence dans l'interprétation à donner au texte Allemand et au texte Chinois, les Gouvernements Allemands prendront pour exact le sens exprimé dans le texte Allemand.

De même les communications officielles des Autorités Chinoises avec le Ministre ou les Consuls de la Prusse et des Etats Allemands Contractants seront écrites en Chinois, et pour elles le texte Chinois, fera foi. Il est bien entendu que les traductions ne feront foi en aucun cas.

Quant au présent Traité, il sera expédié en langue Allemande, Chinoise et Française, dans le but d'éviter toute discussion ultérieure et par la raison que la langue Française est connue de tous les diplomates de l'Europe. Toutes ces expéditions ont le même sens et la même signification, mais le texte Français sera considéré comme le texte original du Traité, de façon que s'il y avait quelque part une interprétation différente du texte Allemand et du texte Chinois, l'expédition Française fera foi.

VI. Les sujets des Etats Allemands Contractants pourront s'établir avec leurs familles, circuler librement et se livrer au commerce ou à leur industrie dans les ports et villes de Canton, Swatou (Tcheou-Tcheou), Amoi, Foutcheou, Ningpo, Changhai, Tongtcheou, Tientsin, Nieou-tchoang, Tchín-Kiang, Kue-Kiang, Hankau, puis de Hiong-tcheou dans l'île de Hainan, et de Tai-wan et Tan-choui dans l'île de Formose. Ils pourront circuler librement d'un port à l'autre avec leurs navires et leurs marchandises, y acheter ou louer des maisons, affermer des terrains et bâtir des églises, des cimetières et des hôpitaux.

VII. Les navires de commerce des Etats Allemands contractants ne pourront visiter d'autres ports, que ceux qui ont été déclarés ouverts par le présent Traité. Il leur est défendu de visiter d'autres ports ou de faire un commerce clandestin sur la côte. Les navires qui seraient surpris en contravention avec cette disposition, seront ainsi que leurs cargaisons, passibles de la confiscation.

VIII. Les sujets des Etats Allemands Contractants pourront se promener dans le voisinage des ports ouverts au commerce à une distance de 100 lis et pour un temps ne dépassant pas 5 jours.

Quant à ceux qui désireraient se rendre dans l'intérieur de l'Empire, ils devraient être munis de passe-ports délivrés par les Autorités Diplomatiques ou Consulaires et visés par les Autorités locales Chinoises. Le passeport devra être exhibé à toute réquisition.

Dans le cas où les voyageurs ou commerçants des Etats Allemands contractants auraient perdu leurs passe-ports, il serait loisible aux autorités locales de les retenir jusqu'à ce qu'ils aient pu se procurer de nouveaux passe-ports, ou de les faire reconduire au Consulat le plus voisin sans les maltraiter en aucune façon ni permettre qu'ils le soient.

choisir librement et à prix débattu entre les parties, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques de toutes les parties de la Chine, et de même ils pourront louer des embarcations pour le transport des personnes et des marchandises. Ils pourront également apprendre la langue ou les dialectes du pays à l'aide de Chinois et leur enseigner des langues étrangères. On ne mettra aucun obstacle à la vente de livres Allemands et à l'achat de livres Chinois.

X. Ceux qui suivent et enseignent la religion Chrétienne jouiront en Chine d'une pleine et entière protection pour leurs personnes, leurs propriétés et l'exercice de leur culte.

XI. Lorsqu'un bâtiment d'un des Etats Allemands Contractants arrivera dans les eaux de l'un des ports ouverts au commerce étranger, il aura la faculté d'engager tel pilote qui lui conviendra pour se faire conduire dans le port. De même, quand, après avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile, il pourra prendre un pilote à son choix pour le sortir du port.

XII. Dès qu'un navire de commerce, appartenant à un des Etats Allemands contractants, sera arrivé dans un port, le chef de la Douane déléguera, si bon lui semble, un ou plusieurs préposés pour surveiller le navire et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leurs convenances, rester dans leur propre bateau ou se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture et de leur entretien seront à la charge de la Douane Chinoise et ils ne pourront exiger aucune indemnité ou rétribution quelconque des capitaines ou des consignataires. Toute contravention à cette disposition entraînera une punition proportionnelle au montant de l'exaction, laquelle sera en outre intégralement restituée.

XIII. Dans les 24 heures qui suivront l'arrivée du navire de commerce, le capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire, devra se rendre au Consulat et y déposer ses papiers de bord et une copie du manifeste.

Dans les 24 heures suivantes, le Consul enverra au chef de la Douane une note indiquant le nom du navire, le rôle d'équipage, le tonnage et la nature de son chargement.

Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pas pu être accomplie dans les 48 heures, le capitaine sera passible d'une amende de 50 piastres par jour de retard ; la dite amende, toutefois, ne pourra dépasser la somme de 200 piastres.

Aussitôt après la réception de la note sus-mentionnée, le chef

de la Douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'en avoir reçu la permis, avait ouvert la cale et commencé à décharger, il pourrait être condamné à une amende de 500 piastres au plus, et les marchandises débarquées pourraient être saisies.

XIV. Toutes les fois qu'un négociant d'un des Etats Allemands contractants aura des marchandises à embarquer ou à débarquer, il devra d'abord en demander l'autorisation au chef de la Douane. Les marchandises embarquées ou débarquées sans cette autorisation, seront passibles de confiscation.

XV. Les sujets des Etats Allemands contractants paieront sur toutes les marchandises, qu'ils importeront dans les ports ouverts au commerce étranger ou qu'ils en exporteront, les droits qui sont mentionnés dans le Tarif annexé au présent Traité; mais en aucun cas on ne pourra exiger d'eux d'autres droits ou des droits plus élevés que ceux exigés à présent ou à l'avenir des sujets de la nation la plus favorisée.

Les réglemens commerciaux annexés au présent Traité, seront regardés comme partie intégrante de ce Traité et par conséquent comme obligatoires pour les Hautes Parties Contractantes.

XVI. En ce qui concerne les marchandises qui d'après le Tarif sont sujettes à un droit *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé Chinois sur la valeur à fixer, chaque partie appellera deux ou 3 négociants qui seront chargés d'examiner les marchandises. Le prix le plus élevé auquel un de ces marchands déclarerait vouloir les prendre sera réputé constituer la valeur réelle des dites marchandises.

XVII. Les droits seront prélevés sur le poids net; on déduira en conséquence la tare. Si le négociant Allemand ne peut s'entendre avec l'employé Chinois sur la fixation de la tare, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis, objets du litige. Ils seront d'abord pesés brut, puis tarés. La tare moyenne des colis pesés servira de tare pour tous les autres.

XVIII. Si, pendant le cours de la vérification, il s'élève quelque difficulté sur d'autres points qui ne puisse être résolue, le négociant Allemand pourra réclamer l'intervention de l'Agent Consulaire. Celui-ci portera sur-le-champ l'objet de la contestation à la connaissance du chef de la Douane et tous deux s'efforceront d'amener un arrangement amiable. Mais le temps dans lequel cette réclamation pourra être adressée au Consul, sera de 24 heures; si non il n'y sera pas donné suite.

Tant que la contestation restera pendante, le chef de la Douane n'en portera pas l'objet sur ses livres, pour ne pas empiéter de cette manière sur l'examen approfondi et la solution de l'affaire.

XIX. Sur toutes les marchandises importées, qui auraient éprouvé des avaries, aura lieu une réduction de droits proportionnée

à leur dépréciation. Cette réduction sera déterminée équitablement ; mais si des contestations s'élèvent, elles seront terminées ainsi qu'il a été stipulé dans l'Article XVI pour les marchandises taxées *ad valorem*.

XX. Tout bâtiment d'un des Etats Allemands contractants entré dans un port Chinois, pourra, quand la cale n'a pas encore été ouverte, le quitter dans les 48 heures après son arrivée et se rendre dans un autre port, sans avoir à payer ni droits de tonnage, ni droits de Douane, et sans être sujet au paiement de quelque autre droit. Les 48 heures écoulées il devra payer les droits de tonnage.

XXI. Les droits d'importation seront acquittés lors du débarquement des marchandises et les droits d'exportation lors de leur embarquement. Lorsque les droits de tonnage et de Douane dus par le bâtiment et la cargaison auront été intégralement acquittés, le chef de la Douane délivrera une quittance générale sur l'exhibition de laquelle l'Agent Consulaire rendra ses papiers de bord au capitaine et lui permettra de mettre à la voile.

XXII. Le chef de la Douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les droits dus pour le compte du Gouvernement. Les récépissés de ces maisons de change seront réputés délivrés par le Gouvernement Chinois. Les paiements pourront s'opérer en lingots ou en monnaies étrangères, dont le rapport avec l'argent sycé sera déterminé, suivant les circonstances, de commun accord entre l'Agent Consulaire Allemand et le chef de la Douane.

XXIII. Tout bâtiment de commerce des Etats Allemands contractants jaugeant plus de 150 tonneaux paiera les droits de tonnage à raison de 4 maces par tonneau, et tout navire jaugeant 150 tonneaux et moins paiera à raison de 1 mace par tonneau.

Lors du paiement du droit précité le chef de la Douane délivrera au capitaine ou au consignataire un certificat, sur l'exhibition duquel aux autorités douanières de tout autre port Chinois, où il conviendrait au capitaine de se rendre, on ne lui demandera plus de droits de tonnage durant 4 mois à partir de la date de la quittance générale mentionnée à l'Article XXI.

Sont exemptes des droits de tonnage les embarcations employées par les sujets des Etats Allemands Contractants au transport de passagers, bagages, lettres, comestibles et de tous objets non sujets aux droits. Si les dites embarcations transportaient en outre des marchandises sujettes aux droits, elles resteraient dans la catégorie des navires jaugeant moins de 150 tonneaux et paieraient un droit de tonnage de 1 mace par tonneau.

XXIV. Les marchandises, qui auront acquitté dans un port Chinois les droits de Douane liquidés d'après le tarif, pourront être transportées dans l'intérieur du pays sans avoir à subir aucune autre charge que le paiement des droits de transit. Ces droits seront perçus suivant le taux actuellement en vigueur et ne seront suscep-

tibles d'aucune augmentation future. Il en sera de même des marchandises transportées de l'intérieur du pays à un port.

Les droits de transit afférents aux produits transportés de l'intérieur à un port et aux marchandises transportées d'un port à l'intérieur pourront être acquittés par un seul paiement.

Si des fonctionnaires Chinois, contrairement à la teneur du présent Article, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de la Chine.

XXV. Le capitaine d'un navire appartenant à un des Etats Allemands contractants, qui sera entré dans un port Chinois et qui voudra n'y décharger qu'une partie de la cargaison, ne paiera les droits de Douane que pour la partie débarquée. Il pourra transporter le reste de la cargaison dans un autre port, l'y vendre et y acquitter les droits.

XXVI. Dans le cas où des négociants d'un des Etats Allemands contractants, après avoir acquitté dans un port Chinois les droits sur des marchandises importées, voudraient les réexporter, ils en prévendraient le chef de la Douane, afin de faire constater par celui-ci l'identité de la marchandise et l'intégrité des colis.

Si les marchandises étaient destinées à être réexportées dans un autre port Chinois, le chef de la Douane remettra aux marchands qui désireraient les réexporter une déclaration, attestant que les droits afférents aux dites marchandises ont été acquittés.

En vertu de cette déclaration, le chef de la Douane du port Chinois auquel on transportera les dites marchandises délivrera un permis de débarquement en franchise de droits, sans en exiger de taxes ni de surcharges supplémentaires. Mais si en comparant les marchandises avec la déclaration on découvrirait de la fraude, les marchandises passées en fraude seraient passibles de la confiscation.

Si les marchandises étaient destinées à être réexportées dans un port hors de la Chine, le chef de la Douane du port de réexportation délivrera un certificat, constatant que le négociant qui réexporte les marchandises a une créance sur la Douane, équivalente au montant des droits déjà payés sur ces marchandises. Le dit certificat sera reçu en paiement par la douane pour sa valeur entière comme de l'argent comptant toutes les fois qu'il s'agira d'acquitter des droits d'importation ou d'exportation.

XXVII. Aucun transbordement de marchandises ne pourra avoir lieu sans permis spécial du chef de la Douane. Sauf le cas de péril en la demeure, toutes marchandises qui auraient été transbordées sans permission, seraient confisquées.

XXVIII. Dans chacun des ports ouverts au commerce étranger, le chef de la Douane déposera chez l'Agent-Consulaire un assortiment des poids et des mesures en usage à la Douane de Canton, ainsi que des balances légales pour peser les marchandises et l'argent. Ces mesures, poids et balances normales formeront la base

de toutes les liquidations de droits et de tous les paiements, et on y aura recours en cas de contestation.

XXIX. Toutes les amendes et confiscations prononcées pour des contraventions au présent Traité ou aux réglemens commerciaux y annexés, appartiendront au Gouvernement Chinois.

XXX. Tout bâtiment de guerre des Etats Allemands contractants, croisant pour la protection du commerce ou lancé à la poursuite des pirates, sera libre de visiter tous les ports Chinois sans exception.

On leur donnera toutes les facilités de se ravitailler, de s'approvisionner d'eau et, en cas de besoin, de faire des réparations, et on ne leur opposera aucun obstacle. Les commandants de ces bâtiments communiqueront avec les autorités Chinoises sur le pied d'égalité et de politesse, et les bâtiments seront exempts de toute espèce d'impôts.

XXXI. Si un navire de commerce, appartenant à un des Etats Allemands contractants, était contraint par suite d'avaries ou pour d'autres causes de chercher refuge dans un port, il pourra entrer dans tout port Chinois sans exception, sans être sujet au paiement de droits de tonnage. De même il n'y aura point de droits de Douane à acquitter sur les marchandises qu'il aura à bord, pourvu que celles-ci ne soient déchargées qu'à cause de la réparation du navire et qu'elles restent sous la surveillance du chef de la Douane. Si un tel navire venait à échouer ou se perdre, les autorités Chinoises prendraient sur-le-champ des mesures pour le sauvetage de l'équipage et la préservation du navire et de sa cargaison. L'équipage sauvé sera bien Traité et, en cas de besoin, pourvu de moyens pour arriver à la station Consulaire la plus proche.

XXXII. S'il arrive que des matelots ou d'autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce d'un des Etats Allemands contractants, l'autorité Chinoise, sur la réquisition de l'Agent-Consulaire ou, à son défaut, du capitaine, prendra les mesures nécessaires pour découvrir le déserteur ou fugitif et le restituer sur-le-champ entre les mains de l'Agent-Consulaire ou du capitaine.

Pareillement, si des Chinois déserteurs ou prévenus de quelque crime, vont se réfugier dans des maisons ou à bord d'un navire appartenant à des sujets Allemands, l'autorité locale s'adressera à l'Agent-Consulaire Allemand qui prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée.

XXXIII. Dans le cas où des navires appartenants à un des Etats Allemands Contractants seraient pillés par des pirates dans des parages dépendants de la Chine, il sera du devoir des autorités Chinoises de ne rien négliger pour que les voleurs soient arrêtés et punis. Les marchandises enlevées, en quelque lieu et dans quelque état qu'elles se trouvent, seront déposées entre les mains de l'Agent-Consulaire qui les fera remettre aux ayants-droit. Si l'on ne peut s'emparer des coupables, ni recouvrer la totalité des objets volés, les

fonctionnaires Chinois subiront la peine infligée par la loi en pareille circonstance, mais ils ne sauraient être rendus pécuniairement responsables.

XXXIV. Toutes les fois qu'un sujet d'un des Etats Allemands Contractants voudra recourir à l'autorité Chinoise, sa représentation devra d'abord être soumise à l'Agent-Consulaire qui, suivant qu'il la trouvera raisonnable et convenablement rédigée, lui donnera suite ou la rendra, afin d'être modifiée.

Les Chinois de leur côté, lorsqu'ils auront à s'adresser au Consulat, devront suivre une marche analogue auprès de l'autorité Chinoise, laquelle agira de la même manière.

XXXV. Lorsqu'un sujet des Etats Allemands contractants aura quelque motif de plainte contre un Chinois, il devra d'abord se rendre chez l'Agent-Consulaire et lui exposer ses griefs. L'Agent-Consulaire, après avoir examiné l'affaire, s'efforcera de l'arranger à l'amiable. De même, quand un Chinois aura à se plaindre d'un sujet d'un des Etats Allemands contractants, l'Agent-Consulaire écoutera sa réclamation avec intérêt et cherchera à ménager un arrangement à l'amiable. Mais si dans l'un ou l'autre cas la chose était impossible, l'Agent-Consulaire requerra l'assistance du fonctionnaire Chinois compétent, et tous deux conjointement statueront suivant l'équité.

XXXVI. Les autorités Chinoises accorderont toujours la plus complète protection aux personnes et à la propriété des sujets Allemands, et particulièrement, lorsque ceux-ci seraient l'objet de quelque insulte ou violence. Dans tous les cas d'incendie, de pillage ou de destruction, les autorités locales enverront en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables et les livrer à toute la sévérité des lois, le tout sans préjudice des poursuites à exercer, par qui de droit, contre les coupables quels qu'ils soient pour indemnisation des pertes éprouvées.

XXXVII. Si un sujet Chinois, débiteur d'un sujet des Etats Allemands contractants, manquait à payer ses dettes ou s'éloignait frauduleusement, l'autorité Chinoise, sur la requête du créancier, ne négligera aucun moyen pour arrêter le fugitif et contraindre le débiteur à payer sa dette.

De même les autorités Allemandes feront tout leur possible pour forcer les sujets Allemands à acquitter leurs dettes envers des sujets Chinois, et pour les faire comparaître en justice, si ils se sont éloignés frauduleusement. Mais en aucun cas ni le Gouvernement Chinois ni les Gouvernements des Etats Allemands contractants ne sauraient être rendus responsables des dettes de leurs sujets.

XXXVIII. Les sujets Chinois qui se rendront coupables d'une action criminelle contre un sujet d'un des Etats Allemands contractants, seront arrêtés par les autorités Chinoises et punis suivant les lois de la Chine.

Les sujets d'un des Etats Allemands contractants, qui commettraient un crime contre un sujet Chinois, seront arrêtés par l'Agent-Consulaire et punis suivant les lois de l'Etat auquel ils appartiennent.

XXXIX. Toutes les contestations de droits, soit de personne soit de propriété, qui pourraient s'élever entre des sujets des Etats Allemands contractants, relèveront de la juridiction des autorités de ces Etats. En cas de différends survenus entre des sujets des Etats Allemands Contractants et des étrangers, l'autorité Chinoise n'aura point à s'en mêler.

XL. Il est convenu entre les Parties Contractantes, qu'il sera accordé aux Etats Allemands et à leurs sujets participation pleine et égale à tous les privilèges, immunités et avantages qui ont été accordés ou seront concédés dorénavant par Sa Majesté l'Empereur de Chine au Gouvernement ou aux sujets d'une autre nation quelconque. En particulier tous les changements apportés en faveur d'une autre nation quelconque au tarif ou aux dispositions concernant les droits de Douane, de tonnage et de port, d'importation, d'exportation et de transit, seront immédiatement applicables au commerce des Etats Allemands contractants, ainsi qu'à leurs marchands, armateurs et capitaines par le seul fait de leur mise à exécution et sans qu'il faille un nouveau Traité.

XLI. Si dorénavant les Etats Allemands contractants jugeaient convenable d'apporter des modifications à quelques unes des clauses du présent Traité, ils seront libres d'ouvrir à cet effet des négociations après un intervalle de 10 années révolues à partir du jour de l'échange des ratifications, mais il faut que 6 mois avant l'expiration des 10 années ils fassent connaître officiellement au Gouvernement Chinois leur intention d'apporter des modifications, et en quoi elles consisteront. A défaut de cette annonce officielle, le Traité restera en vigueur sans changement pour un nouveau terme de 10 années.

LXII. Le présent Traité sera ratifié et les ratifications seront échangées dans l'intervalle d'un an à partir du jour de la signature ou à Changhai ou à Tientsin, au choix du Gouvernement de Prusse. Aussitôt que l'échange aura eu lieu, le Gouvernement Chinois portera le Traité à la connaissance de toutes les Autorités supérieures de l'Empire, dans les provinces et dans la capitale, afin qu'elles s'y conforment.

En foi de quoi les Plénipotentiaires respectifs des Hautes Parties Contractantes ont signé le présent Traité et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le 2 Septembre de l'an de grâce 1861, correspondant au 28 jour de la 7ème lune de la 11ème année de Hien-Foung.

(L.S.) COMTE D'EULENBURG.

(L.S.) TCHONG-LUEN.

(L.S.) TCHONG-HEOU.

Tarif sur les Importations.

Désignation des Articles.	Quantités.	Telsa.	Mases.	Candarina.	Cachet.
Acier	Les 100 catties.	0	2	5	0
Agar-agar	"	0	1	5	0
Amadou de la Malaisie	"	0	3	5	0
Ansa fetida	"	0	6	5	0
Batiste, n'excedant pas 1m. 16½c. en largeur et 21m. 94c. en longueur ..	La pièce.	0	0	7	0
Basin ou piqué, n'excedant pas 1m. en largeur et 10m. 97c. en longueur ..	"	0	0	6	5
Bêches de mer ou holoturies noires ..	Les 100 catties.	1	5	0	0
Bêches de mer ou holoturies blanches ..	"	0	3	5	0
Bézoard de l'Inde	Le catt.	1	5	0	0
Bleu d'azur	Les 100 catties.	1	5	0	0
Bois d'ébène	"	0	1	5	0
Bois de Garrao	"	2	0	0	0
Bois de Senteur	"	0	4	5	0
Bois de Camagon	"	0	0	3	0
Bois de Kranjie 10m. 66½c. en longueur, 0m. 50c. en largeur, 0m. 30½c. en épaisseur	La pièce.	0	8	0	0
Bois de Laka	Les 100 catties.	0	1	4	5
Bois de rouge	"	0	1	1	5
Bois de construction :					
Mâts et espars, bois dur, n'excedant pas 12m. 19c.	La pièce.	4	0	0	0
Mâts et espars, bois dur, n'excedant pas 18m. 28½c.	"	6	0	0	0
Mâts et espars, bois dur, excedant 18m. 28½c.	"	10	0	0	0
Mâts et espars, bois blanc, n'excedant pas 18m. 28½c.	"	4	5	0	0
Mâts et espars, bois blanc, n'excedant pas 12m. 19c.	"	2	0	0	0
Mâts et espars, bois blanc, excedant 18m. 28, c.	"	6	5	0	0
Boîtes à musique	5 p.c. ad. val.	0	0	5	5
Boutons en cuivre	La grosse.	0	1	8	0
Cachou	Les 100 catties.	0	1	3	0
Camphre de la Malaisie, pur	Le catt.	1	3	0	0
Camphre déchets de la Malaisie	"	0	7	2	0
Cannelle de Canton (cinnamome)	Les 100 catties.	1	5	0	0
Cardamome supérieur	"	1	0	0	0
Cardamome inférieur ou grain de paradis	"	0	5	0	0
Charbon de terre étranger	Le tonneau.	0	0	5	0
Cire de Japon	Les 100 catties.	0	6	5	0
Cire vierge	"	1	0	0	0
Cochénille	"	5	0	0	0
Colle de poisson	"	0	6	5	0
Colle forte	"	0	1	5	0
Clous de girofle	"	0	5	0	0
" griffes de	"	0	1	8	0
Corail	Le catt.	0	1	0	0
Cordages de Manille	Les 100 catties.	0	3	5	0
Cornalines	Les 100 pierres.	0	3	0	0
Cornalines en perles	Les 100 catties.	7	0	0	0
Cornes de buffle	"	0	2	5	0
Cornes de cerf	"	0	2	5	0

Désignation des Articles.	Quantités.	Taels.	Maces.	Candarins.	Caches.
Cornes de rhinocéros	Les 100 catties.	2	0	0	0
Coton. (Voyez à l'Article Tissus.)	"	0	3	6	0
Crevettes séchées	"	0	4	2	0
Cuir	"	2	0	0	0
Dents de cheval marin (appelé aussi	"	4	0	0	0
éléphant de mer à cause de ses dé-	"	3	0	0	0
fenses)	"	8	0	0	0
Dents d'éléphant, entières	"	0	2	5	0
Dents d'éléphant, brisées	Le catt.	0	0	7	2
Ecaille de tortue	"	1	3	0	0
Ecaille de tortue, brisée	"	0	0	3	0
Fil d'argent vrai	"	1	6	0	0
Fil d'argent faux	"	0	0	3	0
Fil d'or vrai	"	0	0	3	0
Fil d'or faux	"	0	1	5	0
Gambier	Les 100 catties.	6	0	0	0
Ginseng Américain, brut	"	8	0	0	0
Ginseng Américain, clarifié	"	0	6	0	0
Gommes :	"	0	4	5	0
Benjoin	"	0	4	5	0
Huile de benjoin	"	0	4	5	0
Sang dragon	"	1	0	0	0
Mirrhe	"	1	0	0	0
Oliban	"	0	1	8	0
Gomme gutte	"	1	0	0	0
Horloges	5 p.c. ad val.	0	1	8	0
Indigo liquide	Les 100 catties.	1	0	0	0
Laines et lainages. (Voyez à l'Article	"	0	3	0	0
Tissus)	"	0	0	3	5
Laque (objets en)	"	1	0	0	0
Laque en bâton	"	0	0	3	5
Lucraban (graine de)	"	1	0	0	0
Macis ou fleur de Muscade	"	0	0	3	0
Manglier (écorce de)	"	1	5	0	0
Métaux :	"	1	0	0	0
Cuivre ouvré en feuille, barres, clous,	"	1	0	0	0
&c.	"	0	6	0	0
Cuivre brut, en saumons	"	1	2	5	0
Cuivre du Japon	"	0	4	0	0
Étain	"	0	1	2	5
Fer blanc	"	0	0	7	5
Fer ouvré, en barres, cercoles, &c. ..	"	0	0	1	0
Fer non ouvré, en gueuses	"	0	2	5	0
Fer de lest en gueuses	"	0	2	5	0
Fil de fer	"	0	5	5	0
Plomb en saumons	"	2	0	0	0
Plomb en feuilles	"	0	2	5	0
Vif argent	"	0	9	0	0
Zinc (sous certaines réserves)	"	1	0	0	0
Métal jaune de composition pour	La paire.	4	5	0	0
bordages et clous	"	0	2	0	0
Montres	Les 100 catties.	2	5	0	0
Montres émaillées en perles	"	0	2	0	0
Moules sèches	"	0	5	5	0
Muscade	"	0	5	5	0
Nacre de perle	"	0	5	5	0
Nerfs de buffle et de cerf	"	0	5	5	0

Désignation des Articles.	Quantités.				
		Taëls.	Maces.	Candarins.	Caches.
Châtaignes	Les 100 catties.	0	1	0	0
Chiffons de coton	"	0	0	4	5
Cinobre	"	0	7	5	0
Cire blanche ou d'insectes	"	1	5	0	0
Coir	"	0	1	0	0
Conserves, fruits confits et confitures	"	0	5	0	0
Coquilles d'huîtres et coquillages	"	0	0	9	0
Coraux faux	"	0	3	5	0
Cornes de jeune cerf	La paire.	0	9	0	0
Cornes de vieux cerf	Les 100 catties.	1	3	5	0
Cotons et cotonnades. (Voir à l'Article Tissus.)					
Curiosités et objets antiques	5 p. c. ad val.				
Coupe rose	Les 100 catties.	0	1	0	0
Cuir vert	"	1	8	0	0
Cuir objets en cuir, tels que sacoches, bourses, &c.	"	1	5	0	0
Cuivre jaune (boutons de)	"	3	0	0	0
Cuivre jaune (feuilles de)	"	1	5	0	0
Cuivre jaune (articles en)	"	1	0	0	0
Cuivre rouge (mine de)	"	0	5	0	0
Cuivre rouge (vieux doublages en)	"	0	5	0	0
Cuivre rouge (ustensiles en et poterie d'étain	"	1	1	5	0
Cubèbes	"	1	5	0	0
Curcuma	"	0	1	0	0
Dattes noires	"	0	1	5	0
Dattes rouges	"	0	0	9	0
Ecaille (tabletterie d')	Le catti.	0	2	0	0
Ecorces d'oranges	Les 100 catties.	0	3	0	0
Ecorces de pamplemousse 1re qualité	"	0	4	5	0
Ecorces de pamplemousse 2e qualité	"	0	1	5	0
Encre de Chine	"	4	0	0	0
Etain en feuilles	"	1	2	5	0
Eventails en plumes	Le cent.	0	7	5	0
Eventails en papier	"	0	0	4	5
Eventails en feuilles de palmier cerclés	Le millier.	0	3	6	0
Eventails en feuilles de palmier non cerclés	"	0	2	0	0
Feutre (rognures de)	Les 100 catties.	0	1	0	0
Feutre (chapeaux de)	Le cent.	1	2	5	0
Ficelles de chanvre de Canton	Les 100 catties.	0	1	5	0
Ficelles de chanvre de Sou-Tcheou	"	0	5	0	0
Fil de laiton	"	1	1	5	0
Fleurs artificielles	"	1	5	0	0
Fleurs de nénuphar sèches	"	0	2	7	0
Galanga	"	0	1	0	0
Ginseng indigène	5 p. c. ad val.				
Ginseng de Corée ou du Japon 1re qualité	Le catti.	0	5	0	0
Ginseng de Corée ou du Japon 2e qualité	"	0	3	5	0
Graines oléagineuses (excepté de Niéou-Tchouang et de Tang-Tcheou)	Les 100 catties.	0	0	6	0
Graines d'olives	"	0	3	0	0
Graines de nénuphar et de Lotus	"	0	5	0	0
Gypse, terre franche ou platre de Paris	"	0	0	3	0
Habits en coton confectionnés	"	1	5	0	0
Habits en soie confectionnés	"	10	0	0	0

Désignation des Articles.	Quantités.	Taëls.	Maces.	Candarina.	Caches.
Rhubarbe	Les 100 catties.	1	2	5	0
Samchou	"	0	1	5	0
Sésame (graine de)	"	0	1	3	5
Soies et soieries. (Voyez à l'Article Tissus.)					
Soya	"	0	4	0	0
Sucre brut	"	0	1	2	0
Sucre blanc	"	0	2	0	0
Sucre candi	"	0	2	5	0
Suif animal	"	0	2	0	0
Suif végétal	"	0	3	0	0
Tabac à fumer préparé	"	0	4	5	0
Tabac à fumer en feuilles	"	0	1	5	0
Tabac à fumer à priser	"	0	8	0	0
Tabletterie en os et en corne	"	1	5	0	0
Tapis en crins ou peaux	La pièce.	0	0	9	0
Tapis et moquettes	Le cent.	3	5	0	0
Thé	Les 100 catties.	2	5	0	0
Tissus de coton :					
Nankin et toiles de coton indigènes	"	1	5	0	0
Coton en laine	"	0	3	5	0
Tissus de Ma fin (connu dans le commerce sous le nom de grass-cloth)	"	2	5	0	0
Tissu de Ma grossier (connu dans le commerce sous le nom de grass-cloth)	"	0	7	5	0
Tissus de soie :					
Soie grège et ouvrée	"	10	0	0	0
Soie jaune du Szé-Tchuen	"	7	0	0	0
Soie de douppions	"	5	0	0	0
Soie grège sauvage	"	2	5	0	0
Soie déchets de	"	1	0	0	0
Soie cocons de	"	3	0	0	0
Soie à coudre, de Canton	"	4	3	0	0
Soie à coudre, d'autres provinces	"	10	0	0	0
Rubans et fil de soie	"	10	0	0	0
Soieries :					
Foulards, châles, écharpes, crêpe, satin, gaze, velours et broderies	"	12	0	0	0
Du Szé-Tchuen et du Chang-Tong	"	4	5	0	0
Soie (liens de)	"	10	0	0	0
Soie (bonnets de)	Le cent.	0	9	0	0
Mélange de soie et de coton	Les 100 catties.	5	5	0	0
Tourteaux de graines oléagineuses (excepté de Nîsou-Tchouang et de Tang-Tchéou)	"	0	0	3	5
Tresses de paille	"	0	7	0	0
Varec	"	0	1	5	0
Vermicelle	"	0	1	8	0
Vermillon	"	2	5	0	0
Vernis ou laque non préparée	"	0	5	0	0
Verrerie et cristaux	"	0	5	0	0
Verroteries	"	0	5	0	0

trouvera passible du paiement des droits de tonnage, même lorsqu'il n'aurait aucune autre cargaison à board.

3. L'exportation pour un port étranger du riz et de toutes autres céréales indigènes ou étrangères, quel que soit le pays de production ou le lieu d'où ils arrivent, est prohibée. Mais ces denrées pourront être transportées par les négociants Allemands de l'un des ports ouverts de la Chine dans un autre, aux mêmes conditions de garantie imposées au transport de la monnaie de cuivre et en payant au port d'embarquement les droits spécifiés par le tarif.

Aucun droit d'importation ne sera prélevé sur le riz et les céréales; mais un chargement ou une partie du chargement de riz ou de céréales, bien qu'aucune autre cargaison ne soit à bord, rendra le navire qui le portera passible du paiement des droits de tonnage.

4. Légumineux.—Les légumineux et les gâteaux de fèves ne pourront pas être exportés sous le pavillon d'un des Etats Allemands contractants des ports de Tongtcheou et de Nieou-tchoang; mais cette exportation sera permise des autres ports ouverts, moyennant le paiement des droits portés au tarif, que l'exportation ait lieu pour d'autres ports de la Chine ou pour les pays étrangers.

5. Le salpêtre, les soufres et l'espèce de zinc connue sous la dénomination de spelter, étant considérés comme munitions de guerre, ne seront pas importés par des négociants Allemands, à moins que le Gouvernement Chinois ne l'ait demandé, ou bien pour être vendus à des Chinois qui seraient dûment autorisés à les acheter. Aucun permis de débarquer ces articles ne sera délivré, jusqu'à ce que la douane se soit assurée, que l'autorisation nécessaire ait été accordée à l'acheteur. Il ne sera permis aux sujets Allemands de transporter ces articles dans le Yang-tsé-Kiang, ni dans aucun autre port que ceux qui sont ouverts sur les côtes maritimes de la Chine, ni de les accompagner dans l'intérieur pour le compte des Chinois.

Ces articles ne seront vendus que dans les ports seulement, et partout ailleurs que dans ces ports ils seront considérés comme propriété Chinoise.

Toute infraction aux conditions stipulées ci-dessus, sous lesquelles le commerce de l'opium, de la monnaie de cuivre, des céréales, des légumineux, du salpêtre, des soufres et du zinc, connu sous le nom de "spelter," est autorisé, sera punie par la confiscation de toutes les marchandises dont il est question.

6me Réglement.—Formalités à observer pour les Navires entrant dans le Port.

Pour éviter tout malentendu, il est convenu que le terme de 24 heures dans lequel tout capitaine devra remettre ses papiers au Consul conformément à l'Article XIII du Traité, commencera à

courir du moment où le navire se trouvera en dedans des limites du port.

Il en sera de même du délai de 48 heures pendant lequel il est accordé aux navires Allemands par l'Article XX du Traité de rester dans le port sans payer de droits de tonnage.

Les limites des ports seront déterminées par l'administration des Douanes conformément aux convenances du commerce compatibles avec les intérêts du trésor Chinois.

De la même manière on fixera les lieux où il sera permis de charger et de décharger les marchandises, dans chaque port, et on en donnera avis aux Consuls pour la connaissance du public.

7me Règlement.—Droits de Transit.

Il est convenu que le droit de transit mentionné dans l'Article XXIV du Traité équivaldra, à la moitié des droits fixés par le tarif, exceptés pour les articles exempts de droits énumérés dans le deuxième règlement qui ne paieront qu'un droit de transit de 2½ pour cent *ad valorem*. Les marchandises auront acquitté les droits de transit lorsqu'elles auront rempli les conditions suivantes :

Pour les importations : On donnera avis au Chef de la Douane du port d'où les marchandises doivent être envoyées dans l'intérieur, de la nature et de la quantité de ces marchandises, du nom du navire qui les a débarquées et du nom des lieux auxquels elles sont destinées. Le Chef de la Douane, après avoir vérifié cette déclaration et avoir reçu le montant des droits de transit, remettra à l'introduit de ces marchandises un certificat constatant le paiement des droits de transit, certificat qui devra être produit et visé à chaque station de barrière. Aucun autre droit, quel qu'il soit, ne pourra être prélevé sur ces marchandises, dans quelque partie de l'Empire qu'elles soient transportées.

Pour les exportations : Les produits achetés par un sujet des Etats Allemands Contractants dans l'intérieur de la Chine, seront examinés et notés à la première barrière qu'ils rencontreront sur leur route au port d'embarquement. La personne ou les personnes chargées de leur transport présenteront une déclaration qu'elles auront signée, relatant la quantité du produit et faisant connaître le port d'embarquement. Il leur sera remis en échange un certificat qui devra être produit et visé à chaque barrière sur la route au port d'embarquement. A l'arrivée du produit à la barrière la plus voisine de ce port, il en sera donné avis à la Douane qui y est établie, et les droits de transit ayant été payés, ces marchandises pourront passer. Au moment de l'exportation les droits fixés par le tarif seront payés.

Toute tentative faite pour passer les marchandises importées ou

exportées en contravention avec les règlements ci-dessus énoncés, rendra ces marchandises passibles de confiscation.

Une vente non-autorisée pendant le transit de marchandises dont la destination pour un port a été déclarée de la manière susdite les rendra susceptibles d'être confisquées.

Toute tentative de passer plus de marchandises qu'il n'en a été déclaré dans le certificat, rendra toutes les marchandises de la même denomination énoncées dans le certificat susceptibles d'être confisquées.

Le Chef de la Douane aura le droit de refuser l'embarquement de produits dont on ne pourrait pas prouver le paiement des droits de transit dûs, et cela, jusqu'à ce que ces droits aient été payés.

8me Règlement.—Commerce Etranger dans l'Intérieur au moyen de Passe-ports.

Il est convenu que l'Article VIII du Traité ne sera point considéré comme autorisant les sujets des Etats Allemands Contractants à se rendre dans la capitale de la Chine pour y faire le commerce.

9me Règlement.—Abolition des Droits prélevés pour la Refonte des Monnaies.

Il est convenu que les sujets des Etats Allemands Contractants ne seront point assujettis au paiement du droit d'un taël et deux maces exigé jusqu'ici en sus du paiement des droits ordinaires par le Gouvernement Chinois, pour couvrir les frais de fonte et de monnayage.

10me Règlement.—Paiement des Droits dans les Ports.

Le haut fonctionnaire Chinois désigné par le Gouvernement Impérial comme surintendant du commerce étranger visitera de temps à autre lui-même les différents ports ouverts au commerce ou il y enverra un délégué. Ce haut fonctionnaire sera libre de choisir tout sujet des Etats Allemands contractants qui lui paraîtrait convenable pour l'aider à administrer les revenus de la Douane, à empêcher la fraude, à déterminer les limites des ports, à pourvoir aux fonctions de capitaine de port, et aussi à établir des phares, des bouées, &c. à l'entretien desquels les droits de tonnage pourvoiront.

Règlement Additionnel.—Révision du Tarif.

Il est convenu entre les Hautes Parties Contractantes que le présent tarif pourra être révisé de 10 en 10 ans, afin d'être mis en harmonie avec les changements de valeur apportés par le temps dans les produits du sol et de l'industrie.

(L.S.) COMTE D'EULENBURG.

(L.S.) TCHONG-LUEN.

(L.S.) TCHONG-HEOU.

DECREE of the President of Mexico, promulgating the Agreement between Mexico and Yucatan of December 14, 1843, for the Re-Incorporation of Yucatan with the Mexican Republic.—Mexico, December 15, 1843.

(Translation.)

VALENTIN CANALIZO, General of Division, and President *ad interim* of the Mexican Republic, to the inhabitants thereof:

Know ye, that the Supreme Provisional Government, taking into consideration how desirable it is for the interests of the Republic that the Department of Yucatan be re-incorporated with it; that the separation which has unfortunately existed has given rise to truly lamentable evils; that war between fraternal States is a public calamity which ought to be put an end to by all the means which prudence and a pure feeling of patriotism suggest; that in the state to which affairs had arrived, certain concessions required by the very peculiar circumstances of the Department of Yucatan were indispensable; that the nation by a grand act of magnanimity maintains its honour intact, closes the abyss of civil discord, and binds anew the bonds which unite the members of the generous Mexican family,—has been pleased to decree, and I decree in Council of Ministers, in the name of the nation and in the exercise of the powers which are conceded to the Provisional Government, as follows:

The conditions for the re-incorporation of the Department of Yucatan with the Republic, agreed to by Don José Maria Tornel y Mendivil, Minister of War and Marine, and General of Division, and the Commissioners of that Department, Don Crescencio José Pinelo, Don Joaquin Garcia Rejon and Don Geronimo Castillo, are approved.

The conditions are, word for word, as inserted below.

Assembled in the city of Mexico, on the 14th day of the month of December, 1843, and the 23rd of the Independence, his Excellency Señor Don José Maria Tornel y Mendivil, General of Division, and Secretary of State for the Department of War and Marine, and Señores Don Crescencio José Pinelo, Don Joaquin Garcia Rejon, and Don Geronimo Castillo, the former empowered by his Excellency the President *ad interim* of the Republic in Council of Ministers, to hear the new propositions that were to be made to the Supreme Government in the name of the Department of Yucatan, to examine them, discuss them, and agree to what might be honourable and beneficial to the interests of the nation; and the latter with ample powers from his Excellency the Governor of the Department of Yucatan, given according to the Decree of its

Congress dated 16th November of the present year, to propose some modifications in the bases and concessions which the Supreme Government agreed to on the 3rd of August last; they proceeded to discuss them one by one, and with the greatest attention, in order that the honour, dignity, rights, and interests of the Republic, and the honour, dignity, rights, and interests of the Department of Yucatan, might remain intact and combined; and after having cleared up all doubts, weighed all the difficulties, and given to the questions as much elucidation as was necessary, and being animated by the most lively and pure desire to effect this incorporation of the Department of Yucatan with the great family of its fraternal departments, they drew up and signed the following Agreement, which is submitted in due form for the approbation of the Supreme Government of the Republic.

ART. I. The territory of Yucatan shall be the same as it possessed in the year 1840.

II. Yucatan, in consequence of the Agreement now entered into, recognizes the Provisional Government in the plenitude of its powers, and the organic bases of the Republic sanctioned on the 12th June, 1843.

III. Yucatan, therefore, will adjust itself to the names and forms which are used by the other departments and their authorities in conformity with the said bases.

IV. Yucatan, in accordance with the said bases, will regulate its internal government as may be fitting for its welfare and interests, without detriment to those of the other departments; without departing from the said bases, it will nominate all the civil and political employés, the Governor of the department being proposed for according to the terms contained in Article CXXXIV of the said bases, and one of the persons proposed is to be elected.

V. Yucatan is not bound to contribute any contingent of men for the army; and as regards the navy, it shall furnish, in just proportion with the rest of the Departments, the number of mariners falling to its share for manning the national squadron; the authorities of Yucatan have the right of deciding how this obligation is to be fulfilled; they are also bound to replace them at the time and in the manner laid down in the regulations of the (Marine) department. The supplies for these people, as also the rewards to which they may individually become entitled, according to the same regulations and the existing laws, shall be paid by the Yucatan treasury, whose authorities shall receive them monthly from that of the Republic; notwithstanding this, the national Government may recruit in the ports of Yucatan all the sailors that it requires. Yucatan shall retain the standing forces which it actually has, subject to the ordinances and laws of the Republic; and in ordinary

times it shall not augment them without the knowledge of his Excellency the President, who shall appoint the Governor of the department as Commandant-General, granting him some military rank. In case of foreign war, or of the nation being threatened with it, in Yucatan, or in any other department, the nation shall then dispose of all the land and naval forces, and resources necessary for the defence of the rights and honour of the Republic. The erection of a maritime arsenal in the Island of Carmen having been decreed, the Supreme Government shall maintain in it a garrison for the security of the establishment. Whenever in extraordinary cases, tranquillity and order in Yucatan may be interrupted, and its authorities may solicit from the Supreme Government the assistance of any force, it shall be granted without delay. Except in this case, and that of a foreign war, no troops shall be sent to Yucatan, nor shall any be taken out of Yucatan for another department.

VI. The Supreme Government recognizes and confirms the military, civil, and financial appointments given and recognized by the Government of Yucatan from the 18th February, 1840, up to the present date, and as long as these employés continue in the service of that Department by order of its authorities, their salaries shall be paid from its treasury.

VII. Yucatan will submit to the concordats which the nation may make with the Apostolic See; and it recognizes the prerogative of the President for the presentation of Bishops.

VIII. The Supreme Court of Justice shall take cognizance of all affairs occurring in Yucatan appertaining to the general interests of the nation. The employés of the department of justice shall be appointed by the authorities of Yucatan in accordance with the organic bases.

IX. Yucatan shall regulate its internal revenue according to its circumstances and local interests. It shall appoint the employés of that department; and as regards the general appointments thereof and the administrators of the maritime Custom-Houses, the Government of Yucatan shall propose 3 persons to the Supreme Government, of whom the latter shall select one. The produce of the revenues of Yucatan, including those of the maritime Custom-Houses, Post-Office, and stamped paper, shall be applied to the exclusive benefit of that Department, and the general Government is not bound to assist Yucatan with any allowance. So long as the liquidation of copper money continues, the net proceeds of stamped paper shall be used for that purpose, but as soon as that liquidation is concluded they shall return to the revenues of the Department. The general powers shall not impose any tax or contribution on Yucatan, and in case of a foreign war, pecuniary assistance shall be reciprocal as far as possible. If in any extraordinary circum-

stances the Government of Yucatan should solicit any loan from the nation, it shall be regulated by especial stipulations and with sufficient guarantees for its repayment.

X. Foreign commerce in Yucatan shall be regulated by the tariffs and rules which its authorities may make, on condition that they are not contrary to the existing Treaties which bind the nation. Yucatan cannot import foreign goods by land or by the internal rivers into the other Departments, those thus imported being liable to seizure; and when foreign goods are imported through the ports, although they come from Yucatan, they shall pay the whole of the duties the same as if they had come directly from a foreign port, and subject to the same prohibitions and imposts.

XI. The natural and artificial products of Yucatan, of whatever class they be, shall be admitted into all the ports of the Republic, being subject to the payment of duties according to the laws in force at the port where they arrive. The natural and artificial products of the rest of the Republic shall be admitted into Yucatan on the same conditions.

XII. If any of the natural or artificial products of either party be monopolized by its respective Government, they must not be sold except to the agents of that Government, or to the contractors, to whom the monopoly may be let, if the latter have the permission to make the purchase.

XIII. The opening of new ports in the State of Yucatan, appertains to the general Congress, according to the bases. In each of the open ports, the Government shall keep an officer, who shall sign the manifests and other customary documents belonging to Yucatan vessels which traffic with the Republic, in order to prevent any smuggling that might be attempted.

XIV. All privileges which may be conceded to any of the other Departments, unless they are exclusively of local interest, shall be granted to Yucatan, although they may not be comprehended in the present Agreement.

XV. Yucatan shall not use any other flag but that of the nation, and shall maintain only that number of armed vessels which shall be absolutely requisite for the defence of its coasts and the prevention of smuggling, and for these two purposes only shall they be employed, unless some foreign war take place, in which case they shall join the national squadron. The commissions of the officers of armed vessels shall be issued by the President of the Republic, who will take into consideration any recommendations the Government of Yucatan may make, in order that they may be given to persons in whom it trusts.

XVI. Yucatan shall appoint its Deputies for the General Congress, and shall vote for Senators and other general employes of

the nation, according to the terms prescribed in the bases. If it should happen that the nation should call General Extraordinary Assemblies for the purpose of fixing its destiny or making laws, Yucatan shall be properly represented, maintaining its ordinary and extraordinary representatives out of the revenues of the Department.

In any case that may occur, be it what it may, the bases contained in the present Agreement shall be unalterable, as having served for the renewal of the union of Yucatan with the Republic, and shall not be liable to any discussion as to their validity or fitness.

XVII. As the period for electing the Deputies for the General Congress has gone by, the Governor of the Department of Yucatan is empowered, in union with his Council, to appoint the days on which they are to be elected, observing as much as possible the time fixed by the organic bases of the Republic. He and his Council are also amply authorized to exercise for this once all the powers which the said bases concede to the Departmental Assemblies for the establishment of the political regimen.

XVIII. All the political occurrences of Yucatan shall be sunk in perpetual oblivion; and, consequently, all persons who may have left the country on account of their acts or political opinions, can return to it, without being liable to molestation either in person or property.

XIX. All the preceding Articles shall have the force of law as soon as the authorities of Yucatan communicate to the Supreme Government their concurrence in the present Agreement, which must be done within 80 days from the date of its signature. All fraternal, friendly, and commercial relations are from that moment re-established; and, without any other requisite, the ports shall be opened as though the circumstances, which by the blessing of Providence have happily terminated, had never existed.

JOSE MARIA TORNEL, *Minister of War and Marine.*

CRESCENCIO JOSE PINELO.

JOAQUIN G. REJON.

GERONIMO CASTILLO.

Palace of the National Government, Mexico, December 15, 1843.

Therefore, I order it to be printed, published, circulated, and duly carried into execution.

VALENTIN CANALIZO.

JOSE MARIA DE BOCANEGRA, *Minister for Foreign Affairs and Government.*

MANUEL BARANDA, *Minister of Justice and Public Instruction.*

IGNACIO TRIGUEROS, *Minister of Finance.*

JOSE MARIA TORNEL, *Minister of War and Marine.*

CORRESPONDENCE relating to the Arrangement concluded at Athens in June 1860, respecting the Greek Loan.*—1859—1861.

No. 1.—Lord J. Russell to Sir T. Wyse.

(Extract.)

Foreign Office, August 22, 1859.

WITH reference to your despatch of the 26th of May,† addressed to the Earl of Malmesbury, I have to state to you that Her Majesty's Government have had under their attentive consideration the Report of the Commission which, with the concurrence of the Greek Government, was appointed in 1857, on the part of Great Britain, France, and Russia, to inquire into the financial state of Greece, in consequence of the total failure on the part of the Greek Government to meet the charges on the Greek Loan as they became due, and the payment of which has therefore consequently for some years past entirely fallen on the 3 Guaranteeing Powers.

Her Majesty's Government have learned with the greatest satisfaction the perfect unanimity with which, after a long, laborious, and searching inquiry, the members of the Commission adopted the conclusions recorded in their Report, a unanimity which must tend strongly to impress on the Greek Government the necessity of those reforms in the financial administration of the country which the Greek Government are recommended at once to effect, and which, if steadily and faithfully carried out, will, Her Majesty's Government feel assured, not only enable Greece, with the actual resources at her command, to meet punctually her engagements towards the 3 Guaranteeing Powers, but will also materially insure the future well-being of that country.

With respect to the ulterior steps to be taken for giving due effect to the recommendation of the Commission, I have to instruct you, after consulting with your French and Russian colleagues, to address a note to the Greek Government embodying the results of the inquiries made by the Commission and the conclusions to which those inquiries have inevitably led. You will say that Her Majesty's Government, entirely concurring in the Report which has unanimously been adopted by the Representatives of the 3 Protecting Powers forming the Commission, have instructed you to urge on the Government of Greece the absolute necessity of adopting without delay the administrative and financial reforms recommended by them; that Her Majesty's Government, equally with the Governments of France and Russia, are not desirous unduly to press the Greek Government, and above all things are averse to retard the development of the industrial resources of

* Laid before Parliament, 1864.

† Inclosing Report of Financial Commission. Report laid before Parliament, May 11, 1860.

Greece, and that therefore the 3 Protecting Powers have in concert, with all due regard to the wants of the State, fixed the minimum of the sum to be paid at first by Greece towards meeting the charges on the Loan at 900,000 francs, that sum to be afterwards increased in proportion to the improved state of the Greek finances at periods to be afterwards determined, when the question respecting the sinking fund of the debt shall be arranged.

Her Majesty's Government, from the knowledge which they have acquired of the financial resources of the country, feel assured that the Government of Greece will have no difficulty in setting aside the above-mentioned sum as its first payment, and in return for the moderation shown by the 3 Protecting Powers in fixing the amount, those Powers may well consider that they have acquired a right to expect and to require that the Greek Government will carry out such an effectual system of reform in the departments of the State as will entirely remove all cause of future complaint in consequence of the failure of the Greek Government to fulfil engagements solemnly contracted towards the 3 Powers.

You will add that if the Greek Government fails in discharging its duty in this respect the only course left for the 3 Protecting Powers to pursue will be rigorously to exact the execution of Article XII of the Treaty of 1832,* by which Greece binds herself to lay aside the first produce of Greek revenue towards the payment of the interest and sinking fund of the loan.

I need scarcely add that you will on all occasions unreservedly consult with your colleagues as to the best mode of giving effect to the intentions of your respective Governments in regard to this matter, always bearing in mind that unanimity between you is indispensable to give full and entire effect to the object in view.

Sir T. Wyse.

J. RUSSELL.

No. 2.—Sir T. Wyse to M. Condouriotis.

SIR,

Athens, October 20, 1859.

HER Majesty's Government have had under their attentive consideration the Report of the Commission which, with the concurrence of the Greek Government, was appointed in 1857, on the part of Great Britain, France, and Russia, to inquire into the financial state of Greece, in consequence of the failure on the part of the Greek Government to meet the charges on the Greek loan as they came due, and the payment of which has therefore consequently for some time past entirely fallen on the 3 Guaranteeing Powers.

Her Majesty's Government have in consequence instructed me to bring under the serious consideration of the Greek Government the results of the inquiries made by the Commission, and the con-

* Vol. XIX. Page 33.

elusions to which those inquiries have inevitably led, and which are set forth in the Report, copy of which I have had the honour to transmit this day, on the part of the Commission, with the approbation of the Governments of the 3 Guaranteeing Powers.

The Commission being duly constituted determined at its first meeting, for the purpose of facilitating their future labours, to proceed in the inquiry in the following order :

1. Examination of the administration of the revenues and resources of the country.

2. Examination of the receipts and mode of collection.

3. Examination of the expenditure.

4. Examination of the reforms it might be advisable to propose.

After a long series of inquiries and discussions under each of these heads, the Commission came, on each, to the following conclusions :

And first, with regard to the administration and the revenues, they found :

That the agents charged with administration as well as with the collection of the public revenues had evaded and combined to elude the proper surveillance and control of the State, though such surveillance is fully established by the legislation of the country.

That these several agents had not sufficiently applied the laws which regulate the financial administration of the country. That the Ministers charged with directing the expenditure had hitherto rendered no account to the country.

That the Ministers of Finance had in scarcely any instance since 1854 justified, by the production of the accounts which the law enjoined them to publish, the amount of the public revenue, nor the manner in which it had been applied ; for although the accounts of 1850, 1851, 1852, had been completed on the first appointment of the Commission, the account of 1850 was the only one submitted to the Chambers, and no law confirming this account (Loi des Comptes) had since passed the Legislature.

That the Cour des Comptes (Audit Office) had not justified by its declarations of conformity and the reports which it is bound to publish, that the administration had been conducted with regularity, and that consequently the accounts had not been what they ought to be ; in a word, that it had not discharged the trust confided to it by the nation.

That the Chambers, which ought to have watched over all the financial bodies of the State, had not acted with the punctuality and vigilance required from them by the Constitution.

That the judicial control not more than the constitutional had been duly exercised, and that, in consequence, even the accounts actually produced by the Administration did not present all the legal guarantees of accuracy and authenticity required.

That the publicity and control of the acts of Administration, which are the guarantees of the country and of the protecting powers, did not *de facto* exist.

In a word, that the administration of the finances of the country had not been and were not conducted with the necessary order.

And that consequently in reference to the second chapter of their inquiry, viz., the receipts :

That the country did not draw from her soil and industry as much as under a better system of administration she would have had a right to expect.

That the property as well as several of the public imports and revenues did not return to the State what they ought.

That the national domains being neither defined nor well ascertained were exposed to diminution by constant encroachment.

That the "impôt foncier" in particular contained abuses universally recognized and injurious to the public Treasury, while on the other hand this impost checked the development of agriculture, the principal resource of Greece.

That the income as well as the expenditure of the communes has hitherto remained almost unknown to the State, thus cluding its superintendence, although charged with this duty by the law concerning the guardianship of the communes, and that their prosperity was the principal element of the general prosperity of the nation.

That every year the amount of arrears augmented, thus involving in a dependence on the Treasury a large number of creditors.

That the laws intended to effectuate the liquidation of these arrears had not produced any serious result.

That this state of things reflected grave injury on the interests of the Treasury, at the same time that it seriously affected the industry of the nation.

And that in consequence, with reference to its resources, agricultural and commercial, they had not received that development of which they were capable, and of which the country stood so much in need.

And in reference to the expenditure :

That the revenues of the country had increased without any attempt being made on the part of the Government to satisfy engagements contracted under the sanction of Treaties or promises solemnly reiterated to the 3 Powers.

That in proportion as the revenues and resources of the State increased, in the same proportion the expenditure augmented without presenting either in the situation of the country, or in

works of public utility, or in encouragements given to industry or in any improvement originating in the State a sufficient compensation for the sacrifices annually made by the 3 Protecting Powers.

That in proportion as the expenditure increased in regard to the receipts, the sums allocated in the annual budgets for the reimbursements of the sums due to the 3 Protecting Powers had annually diminished.

That in this situation all the sources of public credit open to those nations only who are faithful to their engagements were dried up for Greece, and that this situation, so painfully affecting the interests of the country, had become more and more aggravated every day; for even where the 3 Powers to sacrifice the interests due to their advances up to the 1st January, 1859, the debt would still stand at that date at 56,142,314 francs 75 centimes, and on the 1st March, 1870, the period when the holders of bonds would have their claims satisfied in full, it would have risen to a total of 121,528,198 francs 81 centimes.

That Article XII of the Convention of the 7th May, 1832, assigned the first revenues of Greece to the service of the interest and sinking fund of the loan.

And that in consequence, in conformity with the strict terms of the Convention, the service of the interest and sinking fund of the loan could even now be insisted on.

The Commission having arrived at these conclusions with regard to the three first branches of the inquiry proceeded to the consideration of the fourth, or the question of the reforms to be proposed, and after due examination and discussion decided to submit the following suggestions to their Governments:

That the attention of the Greek Government should be seriously called, in order to apply a remedy to this state of things:

To the necessity of putting an end to the encroachments on the national domains, by means of a cadastre or national survey, or by the verification of the titles of property, or by such other measure as might best insure such result.

To the benefits which would accrue to the interests alike of the taxpayer and of the Treasury by effective modifications in certain laws regulating the public imports, but especially in the "impôt foncier."

To the necessity of giving to the financial laws of the country their full effect by an administration more firm and more vigilant than what had hitherto prevailed.

In fine, to the necessity of ensuring full publicity of, and effectual control over, the judicial and legislative powers created by the Constitution and especial laws at different times enacted for that purpose.

And in that view it is suggested at the Synods fixed by the law for the presentation of the Budget to the Chambers, the publication of the general report of the Cour des Comptes and its declarations of conformity, that printed copies of these documents, in sufficient numbers, be officially transmitted to the Legations of England, France, and Russia.

In conclusion, the Commission, after an attentive examination and consideration of the resources of the Greek Treasury, having arrived at the conviction that Greece, without injury to her public service or to her regular development, was at present fully able to contribute 900,000 francs to the sacrifices every year made on her behalf, it submitted to the 3 respective Governments that such sum ought to be fixed on as the minimum to be required from Greece for her first payment. Proviso, however, that in the presumption that the resources of the country would continue to increase, this sum should, at periods hereafter to be determined, be increased proportionably.

Her Majesty's Government concurring entirely in the report which has unanimously been adopted by the Representatives of the 3 Protecting Powers forming the Commission, and in these premises has further instructed me to urge on the Government of Greece the absolute necessity of adopting without delay the administrative and financial reforms recommended by them. Her Majesty's Government equally with the Governments of France and Russia, are unwilling to press unduly the Greek Government, and above all things are averse to retard the development of the industrial resources of Greece, and that in consequence the 3 Protecting Powers have in concert, with all due regard to the wants of the State, fixed the minimum of the sum to be paid at first by Greece towards meeting the charges on the Loan at 900,000 francs; that sum to be afterwards increased in proportion to the improved state of the Greek finances, at periods to be afterwards determined when the question respecting the sinking fund of the debt shall be arranged.

In return for the moderation shown by the 3 Protecting Powers in fixing the amount, those Powers may well consider that they have acquired a right to expect and to require that the Greek Government will carry out such an effectual system of reform in the Departments of the State as will entirely remove all cause of future complaint in consequence of the failure of the Greek Government to fulfil engagements solemnly contracted towards the 3 Powers.

Her Majesty's Government, from the knowledge which they have acquired of the financial resources of the country, feel assured that the Government will have no difficulty in setting aside the same as its first payment.

[1860-61. LI.]

I am further instructed to add that if the Greek Government fails in discharging its duty in this respect, the only course left for the 3 Protecting Powers to pursue will be rigorously to exact the requisition of Article XII of the Treaty of 1832, by which Greece binds herself to lay aside the first produce of Greek revenues towards the interest and sinking fund of the loan.

I have, &c.

M. Condouriotis.

THOS. WYSE.

No. 3.—Mr. Eliot to Lord J. Russell.—(Received June 29.)

MY LORD,

Athens, June 21, 1860.

I HAVE the honour to inclose herewith copy of a note which I have received this day from M. Condouriotis, in which he states that the Hellenic Government having obtained the necessary vote from the Legislative Chambers has authorized the King's Representatives at the Courts of London, Paris, and St. Petersburg to inform the Governments of the 3 guaranteeing Powers that the sum of 900,000 francs is placed at their disposal, in accordance with the decision come to on the Report of the Financial Commission.

The Greek Ministers at the above-mentioned Courts will be further instructed to make some observations upon certain assertions contained in the Report of the Finance Commission.

I have likewise the honour to inclose copy of my answer to M. Condouriotis' communication.

I have, &c.

Lord J. Russell.

W. G. CORNWALLIS ELIOT.

(Inclosure 1.)—M. Condouriotis to Mr. Eliot.

MONSIEUR,

Athènes, le 21 Juin, 1860.

L'OFFICE en date du 20 Octobre, 1859, que le très-honorable Sir Thomas Wyse m'avait fait l'honneur de m'adresser pour inviter le Gouvernement Hellénique, au nom de Sa Majesté la Reine de la Grande Bretagne, à contribuer au service de l'emprunt de 60,000,000, par un versement annuel de 900,000 francs, a été pris en sérieuse considération.

Le Gouvernement du Roi tout en considérant que cette demande est très-éloignée des propositions qu'il avait spontanément soumises en 1856 aux 3 Puissances garantes et en disproportion avec ses besoins et ses ressources, s'est toutefois décidé à y faire droit en s'imposant plus d'un sacrifice et en bornant au strict nécessaire les dépenses de l'Etat.

J'ai en conséquence l'honneur de vous annoncer, Monsieur, que le crédit de 900,000 francs demandés dans ce but aux Chambres ayant été obtenu, le Gouvernement Royal vient de charger les Ministres du Roi à Londres, à Paris, et à St. Petersburg de porter à la connaissance des Puissances garantes que la somme ci-dessus mentionnée est à leur disposition, et à leur soumettre à la fois les obser-

vations nécessaires relativement à certaines assertions contenues dans le Rapport de la Commission Financière.

J'aime à espérer que l'empressement que le Gouvernement du Roi a mis à satisfaire à la demande des Puissances sera considéré à Londres comme une preuve de plus de sa sincérité à remplir ses engagements dans la mesure de ses forces.

Agréez, &c.

The Hon. W. G. C. Eliot.

C. A. G. CONDOURIOTIS.

(Inclosure 2.)—*Mr. Eliot to M. Condouriotis.*

SIR,

Athens, June 21, 1860.

I HAVE the honour to inform you that having received your communication of this day stating that the sum of 900,000 francs has been placed at the disposal of the guaranteeing Powers, and that His Hellenic Majesty's Representatives at the Courts of London, Paris, and St. Petersburg will be instructed to notify the same to those Governments, with further instructions to make observations on certain assertions made in the Report of the Financial Commission, I shall not fail to forward the same by to-morrow's post to Her Majesty's Government.

I have, &c.

M. Condouriotis.

W. G. CORNWALLIS ELIOT.

No. 4.—Sir T. Wyse to Lord J. Russell.—(Received March 2.)

(Extract.)

Athens, February 21, 1861.

THE Greek Government, in their note addressed under date of the ^{9th}/_{21st} June last to their Representatives at the Courts of the 3 Powers (London, Paris, and St. Petersburg), conveyed the intimation, for the information of the 3 Powers, that the sum of 900,000 francs, fixed on by the Financial Commission as the minimum amount to be paid at present for the service of the loan made by M. Rothschild under their guarantee to Greece, after having received the sanction of the Legislature, was at their disposal.

Mr. Eliot received a note under same date, communicating the same information, copy of which he had the honour of forwarding to your Lordship.

Lord J. Russell.

THOS. WYSE.

No. 5.—Sir T. Wyse to M. Condouriotis.

(Extract.)

Athens, May 2, 1861.

I HAVE the honour to inform you that Her Majesty's Government, in reply to my despatch of the 21st February last, agree to accept the sum of 900,000 francs as a payment to the 3 Powers from the Greek Government on account of the interest due on the guaranteed loan.

M. Condouriotis.

THOS. WYSE.

SPEECH of the Emperor of Brazil, on the Opening of the General Legislative Assembly.—Rio de Janeiro, May 12, 1860.

(Translation.)

AUGUST AND MOST WORTHY SIRS,

REPRESENTATIVES OF THE NATION,

THE hopes which are always excited in the nation whenever you reassemble, and which give it good cause for its rejoicing, in which I cordially participate, are a manifest proof of the wisdom of our political institutions, the principles whereof gain on each occasion greater influence over the mind of the public from the benefit of internal peace, for which Brazil will continue to be indebted to them.

The voyage which, as I told you in my speech when closing the last legislative session, I intended to undertake to some of the provinces north of Rio de Janeiro, has been performed, and whilst grateful for the proofs of love and fidelity everywhere given to the supreme chief of the nation, I regret that our circumstances do not allow us to avail ourselves, to the extent which my zeal for the public weal would desire, of the natural riches of that part of the Empire, whose inhabitants evince so much good will in aiding the operations of the powers of the State.

The relations of good understanding and amity between the Empire and almost all foreign Powers have not undergone any alteration, and the cordiality with which they are maintained will always be combined with our national dignity.

The approval of the Treaty for the exchange of territory, made at the same time as that of commerce and navigation of the 4th of September, 1857,* with the Oriental Republic of the Uruguay, is still pending with the legislative power of that State, notwithstanding that the ratification of the Treaty of Commerce by the Brazilian Government took place under the promise that that Treaty should be ratified by the Oriental Republic of the Uruguay.

The Treaties of Boundaries and Extradition negotiated with the Argentine Confederation on the 14th of December, 1857,† were immediately approved by the respective Congress, but have not yet been duly ratified.

I hope that these agreements will finally become a reality, as the true interests of the nations whose Governments made them admonish.

The definitive Treaty, complementary to the Peace Convention of the 27th of August, 1828,‡ which the Plenipotentiaries of Brazil and those of the Oriental Republic of the Uruguay and of the Argen-

* Vol. XLIX. Page 1215.

† Vol. XLIX. Pages 1316, 1337.

‡ Vol. XV. Page 935.

time Confederation, signed on the 2nd of January of last year,* and which, up to the present time, has not been submitted for the approval of the Congress of the Confederation, has just been rejected by the Senate of the Oriental Republic of the Uruguay.

The question which gave rise to the war between Buenos Ayres and the Argentine Confederation has happily got a pacific solution.

The neutrality which the Brazilian Government adopted during that struggle was faithfully observed.

Moved by those benevolent sentiments which ought to unite friendly Powers, and with a view to the re-establishment of peace on the banks of the Plata, the Brazilian Government accepted the invitation of those of France and England to offer conjointly their good offices to the belligerent parties.

Our offer was duly accepted by one of them, but was not well received by the other.

The result of these facts has been some alteration in the amicable relations which existed between the Empire and the Argentine Confederation, and it is to be regretted that they should not soon return to their former footing.

On the 27th of May last year, an exchange of ratifications took place in Paris, of a new fluvial Convention made on the 22nd of October, 1858, with the Republic of Peru.

A Treaty was also agreed to, on the 5th of May last year,† with the Government of Venezuela, which is pending the approval of the respective Congress, and which regulates the frontier line and the fluvial navigation upon the same bases as those which have been negotiated with other bordering States.

The determination of the true meaning of Article VI, section 1, of the Constitution, is a pressing necessity.

The scarcity of alimentary substances continues to press heavily upon those who are less favoured by fortune, and claims from your enlightenment such measures as may prevent its spreading; whether by promoting greater production, or by correcting the abuses of the monopolies.

In some of the provinces, and particularly in Bahia, that evil has been intensely felt; but the Government has endeavoured to lessen it, by distributing the most necessary food among the population.

Our circulating medium and the state of the public exchequer claim your attention and care.

The legislation on the subject of companies and anonymous associations, both civil and mercantile, requires revision.

It is necessary to regulate, protect, and foster such institutions as may facilitate to the less flourishing classes of society, not only the productive employment of their savings, but likewise the means of

* Vol. XLIX. Page 1234.

† Vol. L. Page 1164.

assuring the lot of their families, and, above all, such as aim at the protection of those classes from fraud and usury.

The division of the Ministry of the Empire, in consequence of the variety of important affairs which it has to attend to, should be an object of your solicitude.

The abuses to which the execution of the last electoral law gave rise, call for the adoption of measures which shall prevent their repetition.

One of the necessities which requires the promptest attention is that of giving to the presidents and secretaries of provinces that degree of stability compatible with the interests of the State, creating at the same time their administrative career, and amplifying the attributions of the Presidents.

The institution of councils to assist the Provincial Administrations in the examination of the multiplicity of affairs submitted to them, cannot but be acknowledged as of equal importance.

It is necessary to modify the law of the Council of State in respect to its organization and functions.

The want of agricultural instruction, and of institutions of rural credit, weigh heavily upon the principal source of our riches.

The reform of the legislation touching hypothecations, and the foundation of schools of husbandry, in which theoretical teaching may be accompanied by indispensable practical application, are measures which cannot be delayed.

The Government will continue to employ all its exertions towards the introduction of free labour, as may be required by our industrial necessities.

That part of the Penal Code concerning crimes which affect the honour of families, or the civil and domestic state, must claim your attention.

It will be proper to regulate the civil effects of the marriages of persons who do not profess the religion of the State.

The military legislation, in that which relates to penalties, to procedure, to the organization of the tribunals, to the recruiting service, and to the promotion of officers of the navy, has deficiencies and defects which ought to be remedied.

The Ministers and Secretaries of State of the different departments will in due time submit to you those measures which appear necessary for the proper management of public affairs.

I trust to your providing the public administration with the necessary means for the effective performance of its duties, at the same time enforcing the principles of economy, from which the Government will not deviate.

Favoured by the moderation of political feelings, and by the spirit of order which is predominant in all parts of the Empire;

and by means of the co-operation of those meritorious persons who adopt its ideas, or are willing to aid it, the Government will proceed on its mission, reckoning upon your support.

August and most worthy Sirs, Representatives of the Nation !

Brazil trusts that the final labours of the present Legislature, characterized by the most enlightened solicitude for the interests which have been confided to you, may produce an increase in the resources of the State, and an improvement in our legislation, jointly conducive to our national prosperity.

The session is opened.

MESSAGE of the President of Guatemala, on the Opening of the Chamber of Representatives.—Guatemala, November 25, 1860.

(Translation.)

GENTLEMEN REPRESENTATIVES !

I CORDIALLY congratulate you on your present meeting, and I feel the most lively satisfaction in being able to assure you that the Republic continues in a tranquil and prosperous state, which satisfactory position is the result of the constancy and firm adhesion shown to the principles which have secured to the country a well-established Government, founded on the solid basis of the public will.

The restoration of confidence, and the unity of sentiments which so greatly contribute to the welfare and general contentment enjoyed by our people, are a certain sign that the Government cares for all, that it carefully upholds justice, and that its acts are regulated by the exigencies of the public interest.

Our foreign relations remain unchanged, and on the most satisfactory footing, with the continued augmentation of the consideration and confidence which are necessarily produced by an upright mode of proceeding, and by the probity and rectitude of the Government's proceedings.

I can not as yet have the satisfaction of announcing to the Chamber the termination of the negotiation pending with Her Catholic Majesty's Government for the adjustment of a Treaty.

Notwithstanding the good disposition that has been shown on both sides from the commencement of the affair up to the present time, there has been no possibility of solving the questions that have arisen regarding the nationality of the children of Spaniards born in the Republic, which, according to our fundamental law, are Guatemalans. This is the only obstacle that has delayed the conclusion of the Treaty.

The Convention adjusted last year with Her Britannic Majesty is carried into execution with the best understanding, and its good

results for the two countries are generally acknowledged. As it was hoped by the Government, this Convention has contributed to the arrangement of the disagreeable questions which had arisen between two great nations, and which now appear to be terminated, and the piratical tendencies repressed which under their influence menaced the Central American States.

The preliminary surveys for opening a road between the capital and the Atlantic coast, stipulated in Article VII of the Convention, have been in course of execution by a party of engineers commissioned by the British Government. There is reason to believe they will be concluded during the present year, and that in the ensuing year this important undertaking will be commenced.

The Commissioners, who are to proceed to fix the demarcation of limits between the Republic and the settlement of Belize, having been named by both parties, this final operation is also about to be carried into effect.

The most perfect understanding is maintained with the Republics of Central America, and, for my part, I endeavour to make the fraternal ties and friendship which unite us to them, produce practical results for the advantage of all. No sooner did the news reach us that a party of pirates, under the command of Walker, had invaded the northern coast of the State of Honduras and occupied the port of Truxillo, than I took efficient measures to render assistance to that Government, and they were faithfully carried into execution.

The Government of Salvador also offered its co-operation in all the measures adopted on our part. The country and its administration have received on this occasion, unequivocal, and most important demonstrations of the interest taken by the British authorities of Belize, and also the marine force of Her Majesty stationed on our northern coast, demonstrations which have been duly appreciated; as also those which the superior authority of the island of Cuba was pleased to make, sending to Truxillo one of the steamers of the Spanish squadron, whose intervention was not, however, then required.

In Costa Rica latterly, lamentable events have occurred, which the Government of Guatemala has made all the endeavours in its power to prevent by advice and representations. In consequence of those occurrences I, with the sincere interest which I take in that Republic, have recommended to its Government the adoption of measures that may mitigate in the interior of that country, and diminish abroad the painful sentiments caused generally by the scenes which took place at Punta Arenas, at the end of September and the beginning of October. Whatever may be the causes of these sanguinary discords, they are always a cause of discredit, and

leaving to the Government the care of preserving that inestimable peace, and of removing the various natural obstacles with which a new country with few resources has to struggle, and whose population, although laborious and active, is concentrated in the interior.

One of the great necessities of our Republic which occupies the attention of the Government, is the opening new ways of communication to facilitate the exportation of the abundant and varied productions of our soil. Without them, we should witness the discouragement of those who dedicate themselves to the cultivation of the land, and the paralysation of all efforts for the extension of commerce.

Reduced as we hitherto have been, in having but one sole product to offer in exchange for the objects of foreign industry, although doubtless a valuable one, but of limited consumption, the spirit of speculation and enterprise cannot have its full play and extension, and finds itself exposed to great anxieties by any accident that may affect it. It is therefore necessary to improve the means of communication, as well as to facilitate embarkation and disembarkation on our southern coasts, so as to be able to export those products advantageously whose bulk is large relatively to their small value.

The Government has made liberal concessions for the construction of piers on the coast of Escuintla and Suchitepequez, and has had to wait a long time for the result of those concessions. That object not having been attained, orders have been given that in case the construction of the piers should not have been contracted for by the agent of the concessionary, they shall be contracted for on account of the Government itself.

Attention is also directed towards ascertaining the means most adequate and proper for improving the roads, and as the support of the Chamber is necessary in order to give an impulse to all these undertakings, the projects that are considered suitable for carrying them into effect will be submitted to you.

Peace and prosperity are also evidently ameliorating the customs and the moral condition of the people, instilling into them habits of labour, and the love for the enjoyments of social life, and for the independence, which that alone can impart; they also favour and develop the good education, which improves daily, in a notable

manner, in the establishments, both public and private, for both sexes, under the protection and vigilance of the authorities.

In view of this progress and of the material improvements which every day appear both in and out of the capital, we may be assured, without boasting, that our civilization is developing itself, and that we are gradually progressing towards a more perfect state.

The consequence of this state of prosperity is the yearly increase of the revenue, as the Chamber will perceive by the statements which will be submitted to its examination.

The increase of the revenue has accelerated the amortization of the debt, which has considerably diminished during the present year. This rapidity of amortization, and the punctuality and exactitude with which the engagements of the Treasury have been met, has enabled the Government to obtain funds in anticipation on better terms than in former years.

The debt which weighed upon the Treasury for arrears of civil and military salaries has been entirely extinguished. In the midst of all these favourable circumstances it is impossible to deny that all the branches of the public service, and especially the internal government of the towns, and the administration of justice, are far from that perfection to which they must arrive in order to insure the welfare of those towns and our dawning prosperity. The Government, feeling more immediately the disadvantage produced by this state of things, and actuated as it is by the greatest zeal for the public service, would remedy this evil, were it not that prudence points out the inexpediency of making innovations until the probability of their success becomes apparent. The firmest resolution, and the most upright intentions, do not suffice to remove the material obstacles which the want of the necessary elements for organizing a perfect administration opposes, and it very often happens that those measures which may be adopted with this object, so far from destroying the evil, only have the effect of creating confusion and hindering all reform. This reason induces the Government to follow steadily the system hitherto adopted, which has been productive of good results, and to study unweariedly the means of improving everything gradually, in the hope that the course of time will of itself bring about the formation and development of those means which we are as yet in want of, and of which the Government endeavours to the extent of its power to encourage the formation, under the auspices of peace and justice.

The Secretaries of State will submit to the Chamber the general statement of the administration of last year, together with the estimates of the revenue and expenditure for the ensuing year, accompanied by the necessary calculations and explanations, in order that you may proceed to their examination.

These documents will furnish to the Representatives and to the public an exact idea of the state of the revenue and of our credit. They will also furnish information on all those subjects that are worthy to be laid before you and the public. For my part, I confidently rely on your support and co-operation, so that I may continue to devote myself to the service of our common country, which has so much right to expect us to serve her with loyalty and devotion.

Let us thank the Almighty for the benefits showered so bountifully on this people, and beg him to continue his benevolent protection to all of us.

Palace of the Government, Guatemala, November 25, 1860.

RAFAEL CARRERA.

SPEECH of the President of Nicaragua, on the Opening of the Congress.—Managua, March 6, 1860.

(Translation.)

HONOURABLE SENATORS AND REPRESENTATIVES!

A SERIOUS disagreement has long existed between Great Britain and the Republic of Nicaragua; it is, as you are aware, on the Mosquito question, the origin, progress, and consequences of which are well known to you, thus rendering it unnecessary for me to enter into its details. Nicaragua has had to suffer during this state of things; and England, notwithstanding her power, has also felt the embarrassing consequences arising therefrom, so that it is the interest of both parties to come to an understanding for the final and pacific solution of this delicate question. With this object in view a Convention has been concluded, which will be presented to you by the Ministry for Foreign Affairs, and which I recommend to you, not so much for its intrinsic merits, as because it removes an obstacle in the way of the progress of the Republic, that might hereafter be the origin of dangerous emergencies, taking into consideration the complications which such a question might give rise to, between the contending interests of The United States and Great Britain and those of Nicaragua.

The Clayton-Bulwer Treaty and the bases of the Dallas-Clarendon Treaty prove the importance of the matter in hand, and are facts which ought not to be overlooked, so that we may not lose an opportunity of avoiding dangers which may hereafter occur.

This is the principal object for calling together the present extraordinary session, the most delicate, and the one which demands all your tact and prudence.

Now allow me, honourable Senators and Representatives, to specify to you also the other objects which will require your attention.

If it be the duty of nations to consolidate their mutual relations by means of Treaties, this duty is the more urgent for Nicaragua, on account of her topographical position; so the Executive has thought, and for this reason, Treaties have been concluded with the principal Maritime Powers in the world.

Unfortunately the one lately negotiated with Sir W. G. Ouseley was not approved by his Government, and it therefore became necessary to open fresh negotiations. The slight difficulties that existed have been now removed, and I submit for your ratification a new Treaty of Commerce, Friendship, and Navigation, which has been concluded with that Power. It is founded on the same principles and the same reciprocity as those lately concluded with The United States and the French Empire.

The federal ties which preserved the national unity of Central America having been loosened, and the time not having yet arrived for the union that ought to exist, it becomes a matter of imperious necessity that the different kindred fractions should approximate and draw closer to each other by means of Treaties, for the regulation of their political, civil, and commercial interests. This has been the object in concluding a Convention with the Government of Honduras, which may partly meet that necessity.

Ever since we were a colony the importance of our isthmus has been acknowledged, and the idea of an interoceanic communication has been kept in view. The Spanish Government was unable to carry out this idea, and so was the Federal Government, and since then the Government of the Republic in its efforts to do so has gone on from disappointment to disappointment, from illusion to illusion, and from hope to hope, and out of these have arisen a multitude of reclamations against us. But this fatality must not daunt us; the transit is advantageous to Nicaragua, the world requires it, and humanity demands it; we ought, therefore, to make greater efforts for establishing it, proceeding in future with more prudence and circumspection, and answering all reclamations with the justice which is on our side. Since the failure of the Belly contract, new proposals have been made to us by various companies, which hitherto have not produced any result, as those proposals were in opposition to the Decree for free transit. Notwithstanding this, I have thought it right to lay them before you for your sovereign consideration.

The matters relating to the interior, although of secondary importance, are urgent, as one of them tends to expedite the better administration of justice, and the other to improve the measures adopted for the benefit of agriculture.

*DISCOURS de la Reine de Tahiti, à l'Ouverture de l'Assemblée
Legislative.—Papeeti, le 3 Mai, 1860.*

MESSIEURS LES DEPUTES!

EN me retrouvant au milieu de vous qui êtes l'élite de la nation Tahitienne, à côté du représentant de notre puissant protecteur l'Empereur Napoléon III, je remercie Dieu, ayant cette pensée au fond du cœur, qu'avec son aide, nos efforts réunis amèneront la civilisation et la prospérité sur cette terre qu'il a déjà bénie en lui donnant un ciel si pur, un sol si fertile et la salubrité, source féconde de vie et de grandeur.

Jusqu'à ce moment, MM. les Députés, si nous n'avons pu faire davantage, c'est qu'il fallait avant tout, dissiper les erreurs qui entourent l'enfance d'un peuple et dont j'ai eu moi-même à supporter les rudes suites. Mais du milieu des ténèbres, la vérité a brillé, sa lumière nous éclaire enfin pour nous guider vers un avenir où l'intelligence de l'homme sortant des ombres de la nuit, doit jeter de toute part ses rayons vivifiants pour créer avec noblesse et organiser avec vigueur.

Ainsi vous aurez à prendre des mesures sages et fortes pour assurer à la loi son entière exécution. C'est avec un vif sentiment de peine que j'ai vu des juges, ces hauts gardiens de la propriété et de la sécurité des familles, demeurer indifférents alors que leurs sentences restaient sans effet, ou bien laisser reposer la loi quand il aurait fallu frapper avec énergie. L'inexécution de la justice tend à la ruine des peuples en facilitant l'élévation et la fortune des hommes vicieux et pervers.

En portant mes yeux vers l'avenir dont la jeune génération tient les destinées entre ses mains, je me demande, avec inquiétude, quel sort est réservé à la nation Tahitienne, si vous ne vous occupez sérieusement de l'éducation de vos enfants. Si vos enfants se rendent aux écoles pendant quelques heures du jour, vous les laissez, le reste du temps, libres de s'adonner à leurs passions, qui détruisent bientôt le corps après avoir corrompu le cœur. Etudiez, MM. les Députés,

les coutumes qui régissent en France l'éducation de la jeunesse : là, les jeunes gens sont gardés, nuit et jour, dans des écoles où les principes qu'on leur inculque, les soins qu'on leur prodigue en font des hommes qui sont la force et la gloire de leur pays.

Et puisque nous voulons que la France soit à tout jamais notre modèle, exigeons que nos enfants se consacrent à l'étude de la langue Française, qu'ils seront un jour fiers de connaître, car ils y puiseront honneur et richesse.

Songez-y ! si vous laissez vos enfants s'énervier dans le vagabondage et dans la paresse, croyez-vous que vos terres, qui ne demandent qu'un travail quotidien pour le récompenser largement, resteront éternellement sans culture ? Craignez que des étrangers laborieux ne viennent au milieu de vous, vous donner le spectacle de la richesse et de l'abondance, fruits du travail, tandis que de votre côté on ne verrait que pauvreté et pénurie, fruits de l'insouciance.

MM. les Députés, vous n'oublierez pas, non plus, que la tâche du législateur ne se borne pas à conduire l'enfance jusqu'à la virilité, elle consiste encore à tenir l'homme en garde contre les écueils du jeune âge, à le diriger avec discernement jusqu'à ce que le mariage en fasse le directeur et le chef d'une famille. Vous aurez donc à réprimer sévèrement toute union non légitime, afin que le mariage soit en honneur parmi mon peuple ; le mariage est une institution divine qui fait la puissance d'une nation en lui donnant des bras pour fouiller dans les richesses de la terre, en lui donnant des bras pour la défendre.

J'ai la ferme espérance, MM. les Députés, que vous comprendrez toute ma sollicitude pour la prospérité de notre patrie et que vous la partagerez en suivant mes Conseils et surtout en vous confiant dans la sagesse, la générosité et la grandeur de la France, notre éternelle protectrice.

Je me félicite devant vous de mes rapports avec M. le Commissaire Impérial, p.i, et je fais des vœux pour qu'il reste longtemps au milieu de nous ; car sa vigilance pour nos intérêts et ses lumières, nous seraient une assurance de voir s'accomplir promptement les désirs que je viens de vous exprimer pour le bien de notre pays.

SPEECH of the Prince Regent of Prussia, on the Opening of the Landtag.—Berlin, January 12, 1860.

(Translation.)

ILLUSTRIOUS, NOBLE, AND HONOURABLE SIRS

OF THE TWO HOUSES OF THE LANDTAG !

WHEN I dismissed you last year to your homes, we prayed to God to restore the health of our beloved King and Lord. To the

deep sorrow of myself and of the country it has not pleased the Almighty to alleviate the heavy affliction of His Majesty.

Important events have been accomplished in Europe.

The war that had already broken out in Italy was approaching the frontiers of Germany in its rapid development. The seriousness of the situation required a corresponding earnestness in our attitude. I ordered 6 divisions of the army to be mobilized. These had already begun to take their positions in combination with the troops of the German Confederates who were not concerned in the conflict, when the war came to a sudden close.

The preliminaries signed at Villa Franca were followed by the conclusion of peace. At the joint invitation of Austria and France my Government has declared its readiness to take part in an European Congress which is to take into consideration the best means for the pacification of Italy, and the lasting consolidation of its political position.

The desire for a reform of the German Federal Constitution has of late made itself again very generally felt. Prussia will ever consider herself as the natural representative of the endeavour, by means of institutions adapted to that end, to heighten and concentrate the forces of the nation, as well as generally by measures of real practical importance efficiently to promote the common interests of Germany.

My Government is desirous of seeing the action of the German Federal Assembly, in its relations with the Constitutions of the separate States, strictly limited within the exact bounds of its sphere of competency. And, consequently, in the question of the Hesse Constitution, which has been already pending for years before the Diet, it has deemed itself bound to indicate a return to the Constitution of 1831, setting aside the clauses in that Constitution which are contrary to Federal provisions, as the course most in accordance with the above principle.

In conjunction with my German Confederates I have been continuously endeavouring to obtain for the German territories united under the Danish sceptre a Constitution answering to the existing Conventions and to the recognized rights of the countries in question.

My exertions in the German Diet will be no less directed towards the satisfactory arrangement of affairs during the interval which must unavoidably elapse before the definitive arrangement of this matter.

The events of the past year could not pass by without derangements in commercial affairs. My Government has endeavoured to obviate their consequences as much as possible. The Public Works have been continued with hardly any limitation, and the railway

works undertaken from private means have been protected from interruption as far as practicable. Industry and commerce are beginning to rally from the deep-felt consequences of those disturbances. A mission to Eastern Asia will, I hope, tend to the encouragement of industry and navigation, its object will be to establish Treaty relations with those countries of which portions only have lately been opened to commerce.

A squadron of our Navy, which has received a not unimportant addition owing to the extraordinary supplies voted by you, will accompany this mission.

An additional Convention to the Treaty of Navigation and Commerce with Sardinia of the 23rd of June, 1845,* was concluded on the 28th of October of last year,† and will be submitted for your Constitutional approval.

Despite the injurious effects produced by the warlike events of the past year, we can look with satisfaction at the financial position of the country. The carrying out of last year's budget by means of the current sources of income, and without falling back upon any extraordinary means of supplying a deficit, may be expected with confidence; and for this year, likewise, it has been found possible so to calculate the estimates of income and expenditure that, besides the requirements of the public service, improvements that have been commenced may be continued and fresh pressing wants supplied.

The public loan contracted for military purposes according to your sanction, and opened to public subscription was realized without difficulty. The satisfactory result of this important operation testifies as well to the patriotism of the country as to the confidence which is reposed in our finances.

The credits which have been sanctioned by you will be accounted for without loss of time. The Exchequer has a considerable balance in its favour, and a law respecting the application thereof will be laid before you. Meanwhile, a sum of 12,000,000 thalers has been made over to the Treasury.

The common interests of the State more than ever demand a speedy settlement of the land-tax question. The law projects which remained unsettled last year will be again brought before you. I recommend them to your conscientious examination.

My Government has taken the urban and rural communal relations into consideration, as well as the state of the rural police administration and the development of the district and provincial constitution promised by the Legislature of the year 1853. Extensive preliminaries have been carried out as far as the excitement of the past year has permitted. The draft of a law for the district administration will probably be brought before you.

* Vol. XXXIV. Page 1321.

† Vol. XLIX. Page 482.

Many wants which have been long experienced by individual districts are to be satisfactorily settled by a variety of laws of which the drafts will be laid before you.

My care is unremittingly directed to the mental culture of the nation. The acquisition of new sources of education, and the completion of the scientific institutions of the Universities will be seriously taken into consideration according to the means at our disposal.

Besides the ^{classical high} ~~grammar~~ schools (Gymnasien), the academic schools (Realschulen), have attained a new position to which they were entitled, as well on account of their scientific character, as of their use in inculcating the principles which should guide our daily life.

Progress has been made in raising the salaries of the teachers in the elementary schools. In order to satisfy the demand for teachers which still continues, new seminaries have been projected.

Gentlemen! A question of the highest importance demands your earnest attention and that of my Government.

When last year I was compelled to draw upon our military resources, the levies joined their standards with zeal and devotion, and I am proud to bear witness to this patriotism which has never yet failed.

Should the constitution of our Army nevertheless require a reform, this will not be on account of its want either of devotion or of warlike courage.

Our military constitution was formed under the pressure of a critical moment. It has been maintained in proportion to the population and financial resources of the country at that period, from a sense of glorious achievements.

The experience of the last 10 years during which the military strength of the people has been frequently called out, has, however, brought still more clearly to light many different and deeply felt abuses. The removal of these is my duty and my province, and I claim your constitutional co-operation in bringing forward measures which shall raise the military strength in proportion to the increased population and the development of our industrial and social circumstances.

To effect this the draft of a law respecting the general liability
[1860-61. LL.]

to military service, and the necessary financial arrangements will be laid before you.

It is not my intention to fall out with the legacy of a glorious period. The Prussian army will still in future be the Prussian people in arms. The problem is to infuse, within the limits prescribed by the financial powers of the country, new powers of life into the military organization which has been handed down to us, by renovating its forms according to a maturely considered measure equally affecting both military and civil interests. Your unprejudiced examination and approval of this measure will give universal evidence of the confidence of the country in the integrity of my intentions.

Gentlemen! A measure of such immense importance for the protection, greatness, and power of our country has never yet been laid before the Representatives of the land. It is one that is to secure the destiny of our Fatherland against the vicissitudes of the future.

May God grant it! May He bless the King who had this work at heart, and may he prolong the days of our King and Lord!

Long live the King!

SPEECH of the Prince Regent of Prussia, on the Closing of the Landtag.—Berlin, May 23, 1860.

(Translation.)

ILLUSTRIOUS, NOBLE, AND HONOURABLE SIRS
OF BOTH HOUSES OF THE LANDTAG!

The deliberations for this year's session have come to a close.

In the questions which are occupying the attention of the Cabinets of Europe, my Government is earnestly endeavouring to bring about solutions which shall answer to the demands of the balance of political Power.

The principles by which my Government is guided with reference to the German Confederation, and to the highly important questions which have been submitted to the consideration of the Diet, have been in the course of the session made known to you, and to these principles my Government will continue to adhere, whilst I shall continue to recognize in the maintenance of the acknowledged rights of others, a pledge for the integrity of my own.

If there have been differences of opinion upon important questions, in one feeling, and I say this with the highest satisfaction, all German Governments and all German races are agreed with me, and with the people of Prussia, in the feeling, I mean, of un-

limited to favour the freedom of industrial intercourse, and the mining interest has been freed from all restrictions not immediately required by the public interest.

The execution of the Rhine railway, and of the bridge over the Rhine at Coblenz is assured by your decisions.

Several financial measures, answering to the wants of the country, have also received your sanction.

The amelioration of the law of Westphalia, respecting the property of married people has been in the main obtained.

The law for the settlement of the electoral districts for the House of Representatives has passed through both Houses.

The constitutional freedom of the press has received a fresh guarantee in the law of the 20th of April.

The project for a new regulation of the circles could not be brought to a close, and this important question will therefore remain over till next session.

The amelioration imperatively required in the laws of marriage, has met with another failure, and the earnest wishes that I expressed to you on the subject, have in consequence remained unfulfilled.

Nevertheless, I do not give up the expectation that the views on this subject will ripen, that the conviction of the necessity and salutariness of this reform will gain the upper hand, and that it will be accepted next session.

The drafts of law regarding the regulation of the land tax and the introduction of a general house tax, have unfortunately not received the constitutional sanction of both Houses.

My Government will keep steadily in view the object which the 4 propositions laid before you with reference to these laws were intended to effect, and the necessary proposals for this purpose will be again laid before you next session.

After a careful examination of the budget for the year 1860, you have readily placed at the disposal of my Government the necessary funds for carrying on the administration.

I deeply regret that a decision could not be arrived at in time with reference to the law respecting the general liability to military service, the most important of all the proposals laid before you.

The very wide bearings of this question, and the difficulty of

giving it candid consideration has brought about a delay in the deliberations thereon which, under the present aspect of affairs, might have been of a serious nature, if you, Gentlemen, had not provided the means to enable my Government to increase the military force of our country to the necessary degree.

For the unanimity with which you have made this grant, I express my thanks. It gives me a pledge that the necessity of a reform in the army has been at last acknowledged, and that the solution of the question, the unavoidable necessity of which is recognized, though postponed, will very shortly be attained.

If, on the one hand, a continued strain upon the taxation of the country by the levy of the additional percentage on certain taxes raised is unavoidable, on the other hand I have the greatest satisfaction in observing that the deficiency not made up by this taxation, can be fully supplied from the surplus of the financial administration of the year 1859, without drawing upon the public treasure for that purpose.

However much the results of the session just closed leave to be desired, I shall continue to build upon the patriotic feeling of the country, and upon the firm and unshaken confidence existing between Sovereign and people.

Prussia, relying upon this confidence, upon the old faithful spirit of the nation, upon the increased efficiency of the army, upon the prosperous state of her finances, can by the help of God look forward cheerfully to the events of the future.

And so I dismiss you to your homes, calling for the Almighty's blessing upon our heavily afflicted Sovereign, with the cry of "Long live the King!"

MESSAGE of the President of the Uruguay, on the Opening of the Chambers.—Monte Video, February 15, 1860.

(Translation.)

HONOURABLE SENATORS AND REPRESENTATIVES!

THE opening of the sessions of the Legislative body is always a cause of lively satisfaction to the Executive Power, who awaits the assistance which the information and patriotism of those immediately elected by the people is to afford him; but at the time of terminating the constitutional period assigned to the duration of its functions, this act is an event of transcendent importance for the future of the Republic.

I congratulate you, then, the more cordially, since in giving you an account of the situation of the country, I can assure you that I

declare to you that the empire of the law is definitely assured, for it has already become difficult for evil passions, which for many years tore the bosom of the country, henceforth to conspire successfully against its repose and the development of its riches.

Peace is the supreme necessity of a nation. To that are always due all great advances in moral and material order. Thanks to that and to the confidence that its firmly taking root has necessarily inspired, the prosperity and aggrandizement of the Republic are no longer doubtful to reflecting men. A policy, energetic, and at the same time liberal and progressive, based on a respect for all legitimate rights, could not but bring about so fair a result, and the law gains every day new triumphs over the passions which caused fearful moments to the Republic by an attempt of the most unbridled anarchy.

The Government disposed, in the interest of peace itself, to keep far from the country those spirits irreconcilable with order and the empire of our institutions, has extended a generous hand, and has opened the gates of the country to all those who, without having taken a very principal part in former disorders, have solicited to return to it, promising that in future they would not contribute to disturb the quiet which the laws happily assure.

Territorial property acquires day by day an increase of value never known before, and commerce and industry in their different branches attain a rapid and secure development.

These incalculable advantages, which prove the confidence inspired by the efficacy of legal guarantees, speak more loudly than the most eloquent demonstrations of logic in favour of the flattering future destined for this portion of the continent of South America.

Our relations with friendly nations are maintained on a footing of the most perfect harmony and understanding.

The question of national integrity which kept the great Argentine family divided and in arms, threatening the extinction of its most vital interests, had the happy result which is known to you, by the conclusion of the compact of 11th November last. The Executive Power could not but congratulate himself on the reconciliation of the province of Buenos Ayres with its sisters and companions in

glories and in misfortunes, and the acclamations of the friends of Argentine peace have found an echo in the heart of the Oriental people, which has not seen the bonds of origin, of blood, and of traditions, that bind it to the Argentine nation at all weakened.

The Government of the Republic sees, nevertheless, with regret, that the compact of the 11th November has not modified, as was to be hoped, the situation existing previous thereto between the Republic and that province, and it has had to preserve the same attitude that it has maintained since 1858, in consequence of the unwarranted aggressions that were directed thence against the peace of the State during the Administration that has fallen.

The same causes of continual insidious artifices have remained in operation, the same men who always conspired against the well-being of our country being maintained in official positions, and this order of things cannot but inspire misgivings and want of confidence. For the rest, the Government has already taken suitable steps in regard to that affair, and it trusts that that of the Argentine Confederation, recognizing the propriety and justice whereon they are based, will proceed in accordance with precedents and the securities given to the Government of the Republic on various occasions.

The execution of the Treaty concluded between the Governments of the Republic and the Empire of Brazil, defining and declaring the neutrality they were equally bound to observe in the late Argentine war, was the cause of some misunderstanding as to the manner of rendering that neutrality practical, with respect to the occurrences that took place in the months of August and September last, from the simultaneous presence of the squadrons of the Argentine Confederation and of the province of Buenos Ayres in the territorial waters of the Republic.

But, after the discussion contained in notes and documents to which publicity has been given, the questions called forth by those occurrences have been satisfactorily resolved, and the relations between the two States remain on a footing of friendship and good understanding.

The Government being convinced that a policy of neutrality in all foreign questions is the most suitable for consolidating the peace and progress of the Republic, declared by its Manifesto of 14th November last, that that would be the policy it would follow in all those that might arise, so long as the national interests should not be compromised thereby, and I also hope that this proceeding will merit your decided approbation.

The Government has attended with its accustomed deference, to all the official communications that have been addressed to it by the various Representatives of friendly Powers residing in this city, entertaining every claim founded on reasons of justice and equity.

may occur upon so important a matter, will be solved by means of calm and prudent discussion of principles and facts.

In the meanwhile, urgent matters and such as are of vital importance for the Republic, counsel the sending to certain Courts of Europe the Mission decreed in March, 1859, and which it has not yet been possible to despatch, owing to causes independent of the will of the Government.

Honourable Senators and Representatives !

I am glad to announce to you that, thanks to the blessings of peace that we enjoy, various undertakings for river and land communication have been planned and are in course of execution, the former producing a movement of the population which, bringing towards each other and unfolding the interests of commerce and industry, powerfully contribute in their turn to the development of the ideas and of the progress of the epoch.

Public education advances notably, especially in the departments of the interior, due in great part to the assiduous labours of the administrative juntas.

Upon this point, as upon other important branches of administration, a detailed account will be given to you at a fitting season.

The national Church begins to experience the beneficent influence that it receives from the worthy chief with whom it has been endowed, by the nomination of the Presbyter Don Jacinto Vera, in virtue of the presentation of 3 names by the Government; the requirements of worship having been attended to as far as the exigencies of the Treasury admitted of it.

The National Guard of the Republic, whose force amounts already to 20,000 men, has received a suitable organization, and that body, as well as the army of the line, has contributed powerfully to the maintenance of peace and respect towards the institutions. The Government is satisfied with their morality and discipline.

The public finances have continually supplied, as far as has been possible, all the exigencies of the public service. The foundations of a better system of administration have been laid, improving it in all its branches, and there is hope that, especially as regards the departments of the interior, in consequence of careful studies and

opportune measures, the increase of the revenue will some day produce the effect that they will cease to be a burthen on the Treasury, and that each will provide for its own wants from its own revenues and special resources.

The Custom-House system that we have requires also that you should devote thereto your most serious attention. As long as it does not rest on bases thoroughly liberal—as long as it does not open the broadest ways to commerce, taking into account the legislation which obtains in neighbouring countries—it will have to maintain an unequal contest, the advantages of which will not always be on the side of the State.

During your recess various measures have been taken, and various arrangements come to which were called for by the credit and progress of the State.

I hope with confidence that during the present period of your legislative session, various questions submitted to you during the former one will be solved, which I consider as of the highest importance on the different points which they embrace.

I cannot but convey to you my sincere acknowledgments for the co-operation you have afforded me both for assuring public tranquillity and in bringing about important improvements. Before the magnitude of the duties imposed upon me, before the immense responsibility that has weighed upon me for the attainment of that precious benefit, and when the strongest mind and the most determined patriotism would have faltered before existing difficulties, I did not hesitate to face the danger with which I felt myself menaced from the very outset, in order to save the Republic from the abyss to which the deluge of anarchical passions was conducting it; but I reckoned on the aid of the people and on yours, and I congratulate myself on not having been mistaken.

All that might have been done, all the good that remains to be attained, will remain to the charge of those who have opposed an administration which, without any other pole-star than the law, without any other banner than that of the country, and without any other aspiration than the general happiness, has withdrawn from the past to attain a future written by nature in the magnificence of our climate, and in the happy conditions of our territory. But history, that faithful messenger of the times; history, more impartial than contemporaries, will do justice to my abnegation and my sacrifices, and will assign to each the share of good or of evil that may have fallen to him in the difficult task of national reconstruction.

This is my conviction, and the situation of prosperity in which I make over the Republic to you, and the elements of order created during the exercise of the command you entrusted to me, are without doubt a great compensation for those sacrifices.

The sessions of the third period of the eighth Legislature are now opened.

Monte Video, February 15, 1860.

GABRIEL A. PEREIRA.

MESSAGE of the Vice-President of Venezuela, on the Opening of the Congress.—Caracas, April 12, 1860.

(Translation.)

HONOURABLE SENATORS AND DEPUTIES!

AFTER the most awful elements of evil, finding vent in an impious social revolution, have placed the Republic under the necessity of concentrating in a supreme effort all the civic virtues, all the warlike enthusiasm of its children, all the patriotic self-denial of the citizens, and the treasures of the State, effecting, in fact, the most sublime sacrifices to save its institutions and the honour of Venezuelan society, the meeting of Congress is in itself so great and transcendental an event, so fertile in legitimate hopes of benefit to the country, that, actuated by a profound religious sentiment, which increases the love of our country at a time of public danger, I consider myself in duty bound to call upon you to bless the hand of Providence, which, after such a dreadful cataclysm, deigns to open to the people of Venezuela the provident asylum of its benefits, and to lead them eager for peace and employment to the august doors of the representatives of the nation.

There was a time when the most virtuous citizens, the patriots most devoted to Constitutional order, seeing the iniquitous revolution which was about to break out, encouraged by the supreme head of the State, were terrified at the sight of the abyss into which that magistrate, unfortunately guided by evil counsels, was dragging the country; when behold an aged and venerable patrician, fortunately designated by a happy intuition of public spirit as the guardian of the country's institutions in extreme cases, hears from his philosophical retirement the public cry invoking his name in the conflict of society, and calling him to the Constitutional exercise of the first magistracy of the State; fortified by the very extremity of the danger, he presents himself calmly to battle with

it; the old man speaks, and youth at his voice produces heroes on all sides; patriotism awakens, powerful, irresistible; the revolution trembles, and is for the moment stayed, as if frightened and confused in presence of the national prestige of that glorious and spotless name, which appears as if to revive in our times the magnificent virtues of Columbia.

But it was the will of Providence that the brutal passions which characterised that revolution should present themselves in all their deformity, to give a terrible but salutary lesson to Venezuela. The Designate endeavoured to conciliate the rebels by generous promises and proposals of peace; but, blind and perfidious, they appeared to accede while simultaneously unfolding in secret an abominable plan to surprise the capital. This treachery being providentially discovered it became the inevitable duty of the Government to resort to the painful expedient of arms. And here begins the interesting display of a real epopee, the wondrous events of which will be narrated by the Ministers of the Interior and of War in their respective memorials.

Honourable Senators and Deputies, Dr. Pedro Gual deserves well of his country. He communicated to dejected society the vigorous impulse which has since been the means of guiding it to its salvation; his administrative acts, full of wisdom and firmness, gave vigour to the public mind; a judicious application of the principles and elements of order, and an always felicitous direction to the national resources and efforts. It is the duty of Congress, in worthy representation of the sentiments of gratitude which all Venezuela feels for him, solemnly to do honour to his name.

Called upon by constitutional duty to succeed him in the exercise of the Executive Power I found a great national act already accomplished. In consequence of a series of political acts but too characteristic, emanating during the latter period of General Castro's administration, which showed in a most significant manner that steps were being taken in the Supreme Councils of State to overthrow the Constitution of the Republic, the people, on the 2nd of August, displaced that magistrate and his Ministry from the supreme power, and proclaimed the Designate in the constitutional exercise of the executive power. This political stroke once effected, it was naturally the duty of the Administration which I came to preside over to accept its consequences, and to respect the popular decision, securing the person of General Castro until the meeting of the next National Congress. It now belongs to you, in the exercise of your sovereign constitutional powers, to decide in his case, which necessarily comprises that of his last Ministry. The Honourable Secretary of the Interior and Justice will in due time present to you the documents connected with that serious event.

On the inauguration of my Administration, the factions, affecting a character of barbarous ferocity, were evidently preparing for a more destructive war, after the successive defeats of La Guaira and La Victoria. Brilliant, numerous, and well inured to war was the army which was raised for this new western campaign by the Government. Surmounting difficulties of every description, the more serious as the principal resources of the national treasury were exhausted, having frequently to call for contributions from the citizens, whose patriotic perseverance has fortunately met all the public wants, and still continues to be solicitous and generous. But the flattering hopes of the immediate pacification of the Republic, which the Government founded on that chosen army which numbered in its ranks the most select of our martial youth, under the command of fortunate and renowned chiefs, were cruelly destroyed by an unexpected and painful disaster, which again submitted the fate of the Republic to a tremendous trial.

And the enemy did truly take advantage of their victory: the activity of their operations, the rapidity of their movements, hardly gave time to our commanders to reorganize their troops; and while the factious multitudes besieged San Carlos tenaciously, a fresh army was raised in Carabobo, and Valencia took a formidable activity. Then the enemy fears to advance, retires in disorder, closely pursued by the Constitutional army, which, under the Commander-in-chief, General Cordero, overtakes, conquers, routs, and disperses them at the battle of Coplé.

From that glorious action the revolution may be looked upon as conquered in the field of battle, in consequence of the series of happy results which have followed, and which are all favourable to the rapid consolidation of order. The public enemies, though routed in a hundred combats, their plans disconcerted, their chiefs dispersed and at feud, have, notwithstanding, still foolhardiness enough to maintain a few bands of rebels, which an active and well-directed pursuit will, in a short time, reduce to total impotency.

Meantime the Government has not neglected during the course of the war, the discreet exercise of all political means of conciliation and benevolence which civilization advises, so far as the barbarous character of the factions and the evident social type of the revolution have allowed. Even so far back as the 29th of August last, Dr. Gual's administration thought it prudent to issue certain instructions to the several commanders in the field relative to the political conduct they should observe, in which the humane idea predominates of facilitating, to men who had, through ignorance, been dragged into the rebellion against the Government, the means of recovering the enjoyment of their rights. The successive triumphs obtained by the constitutional arms have permitted the admini-

which I have presided, to enlarge those measures still more and more.

This salutary clemency, always bestowed with impartiality and good faith, has carried confidence into the midst of the rebels, and the Government has been thereby able to bring back to obedience a very considerable number of misled Venezuelans. Even chiefs of importance amongst them have already presented to the Government their protestations of adhesion, and there is no error in assuring you that we are on the threshold of peace.

Amidst how many dangers and difficulties, at times formidable, has the administration followed up that modest but steady march before the result was obtained ; struggling ever within constitutional bounds, with the powerful elements of arbitrary power which the most desperate situation in which Venezuela has found herself, of itself engendered. This you can well conceive, who, in the several provinces of the Republic, having shared in the glorious constitutional reaction, have been unquestionably placed by your political position in the situation of knowing and feeling the imperfection of our laws in the midst of the extraordinary events that have occurred.

Notwithstanding, and precisely in proportion to the very magnitude of the obstacles overcome, it is pleasant to my republican heart to present now to the Legislature the sacred ark of the fundamental law, respected and intact even in the midst of the greatest conflicts. I swore to fulfil and defend it, and, let me be permitted to say so before this Assembly, I have loyally fulfilled my oath. I deliver to you, Honourable Senators and Deputies, in safety the sacred banner with which we have conquered.

But patriotism must not for the sterile glory of a doubtful popularity abandon itself indiscreetly to the confidence of an ephemeral peace. The revolution is conquered, but it lies in ambush ; and woe to the Republic if the high powers of the nation do not reciprocally strengthen each other and unite their efforts, guided by the costly experience of past calamities, in order to guarantee a solid peace to the people for many years.

The administration has unceasingly insisted on one of the objects of its programme relative to the improvement of the action of the tribunals of justice, so that the impunity of criminals should not mock the triumphs attained in the name of the law : but unfortunately the action of the tribunals, with few and honourable exceptions, has hardly reached the political delinquents, or the offenders of all descriptions sheltered by the revolution ; probably because the patriotism of the judges finds itself strongly counteracted by our complicated and fatiguing criminal procedure, and also in all likelihood by the defective organization of the tribunals themselves.

I call on you, Honourable Senators and Deputies, to examine very carefully the fiscal necessities of the country. The question of economy is now one of supreme importance. The organic penury, as it may be called, of the public treasury would probably have had much influence in prolonging this devastating war, if the munificence of the citizens had not constantly provided for the urgent necessities of the service; but so much abnegation on the part of the friends of order has not sufficed to free the national Treasury from the enormous liabilities with which it has been necessary to burthen it, in order to prevent greater immediate conflicts. In such an exceptional economical position, and the administration, on the other hand, restricted to purely legal resources and to loans from the citizens, always voluntary, it is truly miraculous that we have arrived at the present state of things. Therefore, ample measures which may facilitate resources to the Government, but permanent resources flowing with regularity from a solid and productive basis of credit, are demanded from you without delay, by the singularly defective state of the finances. To animate confidence, the source of all credit, to purify all fiscal operations; temperate laws for the regulation of property; to destroy uncertainty in transactions by a good law of mortgage, which, however imperfect it may be, will at all events be preferable to the chaos which now exists in this important matter. The Executive Power, on his part, in the midst of the anxiety produced by so much want, considered it in the meantime advantageous to endeavour to effect a loan out of the country; for that purpose he asked for and obtained from the Extraordinary Council, the necessary authority to contract one in Europe.

Let the legislator also extend a helping hand to suffering agriculture, and endeavour to find means to raise it from the profound prostration in which it will unquestionably be plunged by the atrocious social revolution which we have overcome. This would be a sufficient stimulus, with peace restored, to attract European immigration to this country, whose material interests imperiously call for it.

No less protection is demanded for our roads, until we obtain in this branch, at least the execution of some railroads which may awaken amongst us the spirit of material progress, and open the way to useful enterprises which may encourage labour and withdraw men from the exciting arena of politics.

Nor must you be forgetful of the debt of national gratitude towards the good servants of the country, nor the sacred duty contracted by the State, after so many months of continued warfare, of paying the constitutional army what is due to it when the time arrives for disbanding it; you will also bear in mind that the Government still requires that a respectable number of troops be maintained in the Republic; this is a necessity which, in the state

of disorder in which the commotion it has just suffered has left society, is so pressing and so prominent, that undoubtedly it will not escape your prudent precautions. Nor is it possible to omit calling attention at the same time to the importance which the Government attaches to a good law for the national militia, particularly at this moment, after having experienced in this epoch of dangers, the special and eminent services which that body is capable of rendering under an intelligent organization.

Our relations with the friendly Powers have been sustained during this period of war, with the reciprocal cordial benevolence which has characterized them at all times. One exception clouded, fortunately for a short time only, our good understanding with France, although from a cause of purely personal character. This incident, the account of which will be presented by the Minister for Foreign Affairs, happily terminated in a manner satisfactory to our national dignity, and gave rise to certain negotiations which will be duly made known to you in the report from that department. It is but justice to make honourable allusion here to the Licenciado José St. Jago Rodriguez, to whom was confided in Paris the special mission of explaining to the French Government the true character of the proceedings adopted by the Executive Power relative to M. Levraud; a mission which he has really fulfilled with as much talent as patriotic zeal. Subsequently, the friendly relations between both countries, renewed with intelligent solicitude by M. de Tourreil, Chargé d'Affaires *pro tem.*, have definitively recovered the genuine cordiality of former times. It is to me specially satisfactory on this occasion to make honourable mention of the foreign Diplomatic Corps, whose conduct, in such delicate circumstances, has always been most meritorious and respectful.

It is of urgent necessity that Congress should sanction a law granting full authority to the Executive Power to establish such Legations as he thinks fit, where the diplomatic relations of the country require them.

It is also indispensable to think of sufficiently remunerating our Consulates in foreign parts, so that their duties may be properly discharged in future by intelligent young men who will employ their talents on behalf of their country, making her known in the civilized world by proper articles written on our Government, our easy habits, the hospitable character of our people, our enviable productions, our various and abundant riches, and the great attraction which the country offers to laborious immigrants.

I have presented to you, Honourable Senators and Deputies, in rapid but true sketches, the labours of the Administration, over which I have presided during the short space of 6 months of unceasing fatigue; the policy which it has followed up—always full of

faith in its principles and in the salvation of society by their aid—a policy which it still intends to pursue, energetic and moral, but full of benevolence, so that the cruel lessons of the revolution may not be rendered sterile. I love peace and progress, but peace is only a gift from Heaven when it satisfies the public mind, offering by its stability guarantees of long duration. Give for this purpose, Honourable Senators and Deputies, tone and force to the Executive; create permanent means which will make the exercise of power easy, where all the means of execution are wanting at every step; give vigour to the judicial power by well-considered organic laws, and guarantees of justice by a more expeditious law of criminal procedure; purify the national treasury; issue prudent laws for the revival of public credit; stimulate labour by protecting useful enterprises relating to material progress; give vigorous assistance to agriculture; organize the national militia; and, above all, advance public instruction, by means of institutions which, by liberally extending throughout the masses the elements of a sound education, will make seduction by demagogues difficult and the power of tyrants impossible. On the fruitful ground of such beneficent measures you will always find on the part of the Executive Power, as long as I discharge its duties, a decided co-operation, as absolute, frank, and loyal, as is absolute, frank, and loyal my firm will to do good.

May Heaven hear the prayers I offer up for the happy termination of your laborious tasks.

Caracas, April 12, 1860.

MANUEL F. DE TOVAR.

SPEECH of the King of Portugal, on the Opening of the Cortes.—Lisbon, May 20, 1861.

(Translation.)

WORTHY PEERS OF THE REALM, AND GENTLEMEN

DEPUTIES OF THE PORTUGUESE NATION,

AFTER a brief interruption of Parliamentary labours, the Legislative bodies are again called to occupy themselves in the affairs of the public cause, in which their concurrence is by the Constitution rendered necessary. It is with the greatest satisfaction that on such a solemn occasion I find myself in the midst of you.

We continue happily to maintain the most friendly relations with all the Powers allied to us.

Complete tranquillity prevailed during the late electoral proceedings. This is a further proof that the nation is ripe for the exercise of the most important of its political prerogatives.

The development of means of intercommunication continues to merit the serious attention of my Government. An important loan

raised under advantageous conditions with native capitalists, will afford valuable assistance to this branch of the public service, for regulating which the necessary measures will be submitted to you by the proper department.

Your attention will have to be called to the due resolution of some bills previously submitted, and the initiative of which will be renewed by my Government.

The increase in the proceeds of the indirect taxes is very satisfactory and indicates a rapid tendency towards the re-establishment of the equilibrium between the public receipts and expenditure of the State.

The Minister of Finance will submit to you certain measures tending to modify, for the benefit of the service and the convenience of the contributors, such legislative provisions as may have been found from experience to require modification.

Our transmarine provinces, now more than ever, claim the solicitude of the powers of the State. The development of the commerce and agriculture of those regions is of the greater importance, inasmuch as the produce of the soil may shortly offer valuable aid to both native and foreign industries. The necessary measures upon this subject will be submitted to you through the proper department.

The various measures which the public requirements most urgently need will be brought to your knowledge through the several Ministerial departments. I expect from your zeal and intelligence the most decided co-operation for the aggrandizement of the country to which we are proud to belong.

The session is opened.

Lisbon, May 20, 1861.

SPEECH of the King of Portugal, on taking the Oath directed by the Constitution, before the Cortes.—Lisbon, December 22, 1861.

(Translation.)

WORTHY PEERS OF THE REALM, AND GENTLEMEN

DEPUTIES OF THE PORTUGUESE NATION,

HAVING been unexpectedly called to rule over the destinies of the Portuguese nation, I appreciate from the depth of my heart this solemn occasion, when I find myself in the midst of the National Representatives.

My whole attention shall be dedicated to the Portuguese people, whom I have learned to love from my earliest infancy, in order to

which we deplore is the most honourable testimonial consecrated to the memory of the King Dom Pedro V, and it is also at the same time the strongest inducement for us to endeavour to fulfil as he did the duties which are incumbent upon us.

To the King, my august father, I render on this occasion my tribute of gratitude for the solicitude with which, under the most painful circumstances, he accepted the regency of these realms during my short absence. This is a new proof of his zeal and good will which I and the nation have received.

This people, over whom I have the honour to preside, is an enlightened people, and well entitled, on account of their attachment to constitutional institutions, to occupy a distinguished place amongst the most civilized nations. The support which they have wisely given to every idea of civilization, clearly shows that their destiny must necessarily correspond with the sincere wishes of all the Portuguese.

The oath, which I have just taken, sincerely expresses the feelings of my heart. The faithful observance of the institutions which we have the happiness to possess, gives us an assurance of tranquillity for the present, and promises prosperity for the future. May Almighty God grant that the reign which is now in its commencement may deserve the blessing of heaven and the national affection.

I have great hopes from the enlightened co-operation of the Representatives of the nation in favour of the public interests, it will facilitate the accomplishment of the mission intrusted to me. The gratitude of the Portuguese people, an object worthy of the highest ambition, will be the just reward of this noble solicitude.

*MESSAGE of the President of The United States, on the
Opening of Congress.—Washington, December 3, 1861.*

FELLOW-CITIZENS OF THE SENATE AND
HOUSE OF REPRESENTATIVES,

IN the midst of unprecedented political troubles, we have cause of great gratitude to God for unusual good health and most abundant harvests.

[1860-61. LI.]

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You will not be surprised to learn that, in the peculiar exigencies of the times, our intercourse with foreign nations has been attended with profound solicitude, chiefly turning upon our own domestic affairs.

A disloyal portion of the American people have, during the whole year, been engaged in an attempt to divide and destroy the Union. A nation which endures factious domestic division, is exposed to disrespect abroad; and one party, if not both, is sure, sooner or later, to invoke foreign intervention.

Nations thus tempted to interfere, are not always able to resist the counsels of seeming expediency and ungenerous ambition, although measures adopted under such influences seldom fail to be unfortunate and injurious to those adopting them.

The disloyal citizens of The United States who have offered the ruin of our country, in return for the aid and comfort which they have invoked abroad, have received less patronage and encouragement than they probably expected. If it were just to suppose, as the insurgents have seemed to assume, that foreign nations, in this case, discarding all moral, social, and treaty obligations, would act solely, and selfishly, for the most speedy restoration of commerce, including, especially, the acquisition of cotton, those nations appear, as yet, not to have seen their way to their object more directly, or clearly, through the destruction, than through the preservation, of the Union. If we could dare to believe that foreign nations are actuated by no higher principle than this, I am quite sure a sound argument could be made to show them that they can reach their aim more readily, and easily, by aiding to crush this rebellion, than by giving encouragement to it.

The principal lever relied on by the insurgents for exciting foreign nations to hostility against us, as already intimated, is the embarrassment of commerce. Those nations, however, not improbably, saw from the first, that it was the Union which made, as well our foreign, as our domestic commerce. They can scarcely have failed to perceive that the effort for disunion produces the existing difficulty; and that one strong nation promises more durable peace, and a more extensive, valuable and reliable commerce, than can the same nation broken into hostile fragments.

It is not my purpose to review our discussions with foreign States; because whatever might be their wishes, or dispositions, the integrity of our country, and the stability of our Government, mainly depend, not upon them, but on the loyalty, virtue, patriotism, and intelligence of the American people. The correspondence itself, with the usual reservations, is herewith submitted.

I venture to hope it will appear that we have practiced prudence, and liberality towards foreign Powers, averting causes of

irritation and, with firmness, maintaining our own rights and honour.

Since, however, it is apparent that here, as in every other State, foreign dangers necessarily attend domestic difficulties, I recommend that adequate and ample measures be adopted for maintaining the public defences on every side. While, under this general recommendation, provision for defending our sea-coast line readily occurs to the mind, I also, in the same connexion, ask the attention of Congress to our great lakes and rivers. It is believed that some fortifications and depôts of arms and munitions, with harbour and navigation improvements, all at well selected points upon these, would be of great importance to the national defence and preservation. I ask attention to the views of the Secretary of War, expressed in his report, upon the same general subject.

I deem it of importance that the loyal regions of East Tennessee and western North Carolina should be connected with Kentucky, and other faithful parts of the Union, by railroad. I therefore recommend, as a military measure, that Congress provide for the construction of such road, as speedily as possible. Kentucky, no doubt will co-operate, and, through her Legislature, make the most judicious selection of a line. The northern terminus must connect with some existing railroad; and whether the route shall be from Lexington, or Nicholasville, to the Cumberland Gap; or from Lebanon to the Tennessee line, in the direction of Knoxville; or on some still different line, can easily be determined. Kentucky and the general Government co-operating, the work can be completed in a very short time; and when done, it will be not only of vast present usefulness, but also a valuable permanent improvement, worth its cost in all the future.

Some Treaties, designed chiefly for the interests of commerce, and having no grave political importance, have been negotiated, and will be submitted to the Senate for their consideration.

Although we have failed to induce some of the commercial powers to adopt a desirable melioration of the rigor of maritime war, we have removed all obstructions from the way of this humane reform, except such as are merely of temporary and accidental occurrence.

I invite your attention to the correspondence between Her Britannic Majesty's Minister accredited to this Government, and the Secretary of State, relative to the detention of the British ship *Perthshire* in June last, by The United States steamer *Massachusetts*, for a supposed breach of the blockade. As this detention was occasioned by an obvious misapprehension of the facts, and as justice requires that we should commit no belligerent act not founded in strict right, as sanctioned by public law, I recommend

that an appropriation be made to satisfy the reasonable demand of the owners of the vessel for her detention.

I repeat the recommendation of my predecessor, in his annual Message to Congress in December last, in regard to the disposition of the surplus which will probably remain after satisfying the claims of American citizens against China, pursuant to the awards of the Commissioners under the Act of the 3rd of March, 1859. If, however, it should not be deemed advisable to carry that recommendation into effect, I would suggest that authority be given for investing the principal, over the proceeds of the surplus referred to, in good securities, with a view to the satisfaction of such other just claims of our citizens against China as are not unlikely to arise hereafter in the course of our extensive trade with that Empire.

By the Act of the 5th of August last, Congress authorized the President to instruct the commanders of suitable vessels to defend themselves against, and to capture pirates. This authority has been exercised in a single instance only. For the more effectual protection of our extensive and valuable commerce, in the eastern seas especially, it seems to me that it would also be advisable to authorize the commanders of sailing vessels to re-capture any prizes which pirates may make of United States vessels and their cargoes, and the consular courts, now established by law in eastern countries, to adjudicate the cases, in the event that this should not be objected to by the local authorities.

If any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti and Liberia, I am unable to discern it. Unwilling, however, to inaugurate a novel policy in regard to them without the approbation of Congress, I submit for your consideration the expediency of an appropriation for maintaining a *Chargé d'Affaires* near each of those new States. It does not admit of doubt that important commercial advantages might be secured by favourable Treaties with them.

The operations of the Treasury during the period which has elapsed since your adjournment have been conducted with signal success. The patriotism of the people has placed at the disposal of the Government the large means demanded by the public exigencies. Much of the national loan has been taken by citizens of the industrial classes, whose confidence in their country's faith, and zeal for their country's deliverance from present peril, have induced them to contribute to the support of the Government the whole of their limited acquisitions. This fact imposes peculiar obligations to economy in disbursement and energy in action.

The revenue from all sources, including loans, for the financial year ending on the 30th June, 1861, was 86,835,900 dollars 27

cents, and the expenditures for the same period, including payments on account of the public debt, were 84,578,834 dollars 47 cents; leaving a balance in the treasury, on the 1st July, of 2,257,065 dollars 80 cents. For the first quarter of the financial year, ending on the 30th September, 1861, the receipts from all sources, including the balance of 1st of July, were 102,532,509 dollars 27 cents, and the expenses 98,239,738 dollars 9 cents; leaving a balance, on the 1st of October, 1861, of 4,292,776 dollars 18 cents.

Estimates for the remaining three-quarters of the year, and for the financial year 1863, together with his views of ways and means for meeting the demands contemplated by them, will be submitted to Congress by the Secretary of the Treasury. It is gratifying to know that the expenditures made necessary by the rebellion are not beyond the resources of the loyal people, and to believe that the same patriotism which has thus far sustained the Government will continue to sustain it till peace and union shall again bless the land.

I respectfully refer to the report of the Secretary of War for information respecting the numerical strength of the army, and for recommendations having in view an increase of its efficiency and the well being of the various branches of the service intrusted to his care. It is gratifying to know that the patriotism of the people has proved equal to the occasion, and that the number of troops tendered, greatly exceeds the force which Congress authorized me to call into the field.

I refer with pleasure to these portions of his report which make allusion to the creditable degree of discipline already attained by our troops, and to the excellent sanitary condition of the entire army.

The recommendation of the Secretary for an organization of the militia upon a uniform basis, is a subject of vital importance to the future safety of the country, and is commended to the serious attention of Congress.

The large addition to the regular army, in connexion with the defection that has so considerably diminished the number of its officers, gives peculiar importance to his recommendation for increasing the corps of cadets to the greatest capacity of the Military Academy.

By mere omission, I presume, Congress has failed to provide chaplains for hospitals occupied by volunteers. This subject was brought to my notice, and I was induced to draw up the form of a letter, one copy of which, properly addressed, has been delivered to each of the persons, and at the dates respectively named and stated, in a schedule, containing also the form of the letter, marked A, and herewith transmitted.

These gentlemen, I understand, entered upon the duties designated, at the times respectively stated in the schedule, and have laboured faithfully therein ever since. I, therefore, recommend that they be compensated at the same rate as chaplains in the army. I further suggest that general provision be made for chaplains to serve at hospitals, as well as with regiments.

The report of the Secretary of the Navy presents in detail the operations of that branch of the service, the activity and energy which have characterized its administration, and the results of measures to increase its efficiency and power. Such have been the additions, by construction and purchase, that it may almost be said a navy has been created and brought into service since our difficulties commenced.

Besides blockading our extensive coast, squadrons larger than before assembled under our flag have been put afloat and performed deeds which have increased our naval renown.

I would invite special attention to the recommendation of the Secretary for a more perfect organization of the navy by introducing additional grades in the service.

The present organization is defective and unsatisfactory, and the suggestions submitted by the department will, it is believed, if adopted, obviate the difficulties alluded to, promote harmony, and increase the efficiency of the navy.

There are 3 vacancies on the bench of the Supreme Court—two by the decease of Justices Daniel and McLean, and one by the resignation of Justice Campbell. I have so far forbore making nominations to fill these vacancies for reasons which I will now state. Two of the outgoing judges resided within the States now overrun by revolt; so that if successors were appointed in the same localities, they could not now serve upon their circuits; and many of the most competent men there, probably would not take the personal hazard of accepting to serve, even here, upon the supreme bench. I have been unwilling to throw all the appointments northward, thus disabling myself from doing justice to the south on the return of peace; although I may remark that to transfer to the north one which has heretofore been in the south, would not, with reference to territory and population, be unjust.

During the long and brilliant judicial career of Judge McLean his circuit grew into an empire—altogether too large for any one judge to give the courts therein more than a nominal attendance—rising in population from 1,470,018, in 1830, to 6,151,405, in 1860.

Besides this, the country generally has outgrown our present judicial system. If uniformity was at all intended, the system requires that all the States shall be accommodated with circuit courts, attended by supreme judges, while, in fact, Wisconsin,

be denied them if not useful, no State should have them. Let them be provided for all, or abolished as to all.

Three modifications occur to me, either of which, I think, would be an improvement upon our present system. Let the Supreme Court be of convenient number in every event. Then, first, let the whole country be divided into circuits of convenient size, the supreme judges to serve in a number of them corresponding to their own number, and independent circuit judges be provided for all the rest. Or, secondly, let the supreme judges be relieved from circuit duties, and circuit judges provided for all the circuits. Or, thirdly, dispense with circuit courts altogether, leaving the judicial functions wholly to the district courts and an independent Supreme Court.

I respectfully recommend to the consideration of Congress the present condition of the statute laws, with the hope that Congress will be able to find an easy remedy for many of the inconveniences and evils which constantly embarrass those engaged in the practical administration of them. Since the organization of the Government, Congress has enacted some 5,000 acts and joint resolutions, which fill more than 6,000 closely printed pages, and are scattered through many volumes. Many of these Acts have been drawn in haste and without sufficient caution, so that their provisions are often obscure in themselves, or in conflict with each other, or at least so doubtful as to render it very difficult for even the best informed persons to ascertain precisely what the statute law really is.

It seems to me very important that the statute laws should be made as plain and intelligible as possible, and be reduced to as small a compass as may consist with the fullness and precision of the will of the Legislature and the perspicuity of its language. This, well done, would, I think, greatly facilitate the labours of those whose duty it is to assist in the administration of the laws, and would be a lasting benefit to the people, by placing before them, in a more accessible and intelligible form, the laws which so deeply concern their interests and their duties.

I am informed by some whose opinions I respect, that all the Acts of Congress now in force, and of a permanent and general

nature, might be revised and re-written, so as to be embraced in one volume (or at most, two volumes) of ordinary and convenient size. And I respectfully recommend to Congress to consider of the subject, and, if my suggestion be approved, to devise such plan as to their wisdom shall seem most proper for the attainment of the end proposed.

One of the unavoidable consequences of the present insurrection is the entire suppression, in many places, of all the ordinary means of administering civil justice by the officers, and in the forms of existing law. This is the case, in whole or in part, in all the insurgent States; and as our armies advance upon and take possession of parts of those States, the practical evil becomes more apparent. There are no courts nor officers to whom the citizens of other States may apply for the enforcement of their lawful claims against citizens of the insurgent States; and there is a vast amount of debt constituting such claims. Some have estimated it as high as 200,000,000 dollars, due, in large part, from insurgents, in open rebellion, to loyal citizens who are, even now, making great sacrifices in the discharge of their patriotic duty to support the Government.

Under these circumstances, I have been urgently solicited to establish, by military power, courts to administer summary justice in such cases. I have thus far declined to do it, not because I had any doubt that the end proposed—the collection of the debts—was just and right in itself, but because I have been unwilling to go beyond the pressure of necessity in the unusual exercise of power. But the powers of Congress I suppose are equal to the anomalous occasion, and therefore I refer the whole matter to Congress, with the hope that a plan may be devised for the administration of justice in all such parts of the insurgent states and territories as may be under the control of this Government, whether by a voluntary return to allegiance and order, or by the power of our arms. This, however, not to be a permanent institution, but a temporary substitute, and to cease as soon as the ordinary courts can be re-established in peace.

It is important that some more convenient means should be provided, if possible, for the adjustment of claims against the Government, especially in view of their increased number by reason of the war. It is as much the duty of Government to render prompt justice against itself, in favour of citizens, as it is to administer the same, between private individuals. The investigation and adjudication of claims, in their nature belong to the judicial department; besides it is apparent that the attention of Congress, will be more than usually engaged, for some time to come, with great national questions. It was intended, by the organization of

the Court of Claims, mainly to remove this branch of business from the halls of Congress; but while the court has proved to be an effective, and valuable means of investigation, it, in great degree, fails to effect the object of its creation, for want of power to make its judgments final.

Fully aware of the delicacy, not to say the danger, of the subject, I commend to your careful consideration whether this power of making judgments final, may not properly be given to the court, reserving the right of appeal on questions of law to the Supreme Court, with such other provisions as experience may have shown to be necessary.

I ask attention to the report of the Postmaster-General, the following being a summary statement of the condition of the department:

The revenue from all sources during the fiscal year ending June 30, 1861, including the annual permanent appropriation of 700,000 dollars for the transportation of "free mail matter," was 9,049,296 dollars 40 cents, being about 2 per cent. less than the revenue for 1860.

The expenditures were 13,606,759 dollars 11 cents, showing a decrease of more than 8 per cent. as compared with those of the previous year, and leaving an excess of expenditure over the revenue for the last fiscal year of 4,557,462 dollars 71 cents.

The gross revenue for the year ending June 30, 1863, is estimated at an increase of 4 per cent. on that of 1861, making 8,683,000 dollars, to which should be added the earnings of the department in carrying free matter, viz.: 700,000 dollars, making 9,383,000 dollars.

The total expenditures for 1863 are estimated at 12,528,000 dollars, leaving an estimated deficiency of 3,145,000 dollars to be supplied from the treasury, in addition to the permanent appropriation.

The present insurrection shows, I think, that the extension of this district across the Potomac river, at the time of establishing the capital here, was eminently wise, and consequently that the relinquishment of that portion of it which lies within the State of Virginia was unwise and dangerous. I submit for your consideration the expediency of regaining that part of the district, and the restoration of the original boundaries thereof, through negotiations with the State of Virginia.

The report of the Secretary of the Interior, with the accompanying documents, exhibits the condition of the several branches of the public business pertaining to that department. The depressing influences of the insurrection have been especially felt in the operations of the Patent and General Land Offices. The cash receipts

from the sales of public lands during the past year have exceeded the expenses of our land system only about 200,000 dollars. The sales have been entirely suspended in the southern States, while the interruptions to the business of the country, and the diversion of large numbers of men from labour to military service, have obstructed settlements in the new States and territories of the north-west.

The receipts of the Patent Office have declined in 9 months about 100,000 dollars, rendering a large reduction of the force employed necessary to make it self-sustaining.

The demands upon the Pension Office will be largely increased by the insurrection. Numerous applications for pensions, based upon the casualties of the existing war, have already been made. There is reason to believe that many who are now upon the pension rolls and in receipt of the bounty of the Government, are in the ranks of the insurgent army, or giving them aid and comfort. The Secretary of the Interior has directed a suspension of the payment of the pensions of such persons upon proof of their disloyalty. I recommend that Congress authorize that officer to cause the names of such persons to be stricken from the pension rolls.

The relations of the Government with the Indian tribes have been greatly disturbed by the insurrection, especially in the southern superintendency and in that of New Mexico. The Indian country south of Kansas is in the possession of insurgents from Texas and Arkansas. The agents of The United States, appointed since the 4th of March for this superintendency, have been unable to reach their posts, while the most of those who were in office before that time have espoused the insurrectionary cause, and assume to exercise the powers of agents by virtue of commissions from the insurrectionists. It has been stated in the public press that a portion of those Indians have been organized as a military force, and are attached to the army of the insurgents. Although the Government has no official information upon this subject, letters have been written to the Commissioner of Indian Affairs by several prominent Chiefs, giving assurance of their loyalty to The United States, and expressing a wish for the presence of Federal troops to protect them. It is believed that upon the repossession of the country by the Federal forces the Indians will readily cease all hostile demonstrations, and resume their former relations to the Government.

Agriculture, confessedly the largest interest of the nation, has, not a department, nor a bureau, but a clerkship only, assigned to it in the Government. While it is fortunate that this great interest is so independent in its nature as to not have demanded and extorted more from the Government, I respectfully ask Congress to

consider whether something more cannot be given voluntarily with general advantage.

Annual reports exhibiting the condition of our agriculture, commerce and manufactures would present a fund of information of great practical value to the country. While I make no suggestion as to details, I venture the opinion that an agricultural and statistical bureau might profitably be organized.

The execution of the laws for the suppression of the African Slave Trade has been confided to the Department of the Interior. It is a subject of gratulation that the efforts which have been made for the suppression of this inhuman traffic have been recently attended with unusual success. 5 vessels being fitted out for the Slave Trade have been seized and condemned. Two mates of vessels engaged in the trade, and one person in equipping a vessel as a slaver, have been convicted and subjected to the penalty of fine and imprisonment, and one captain, taken with a cargo of Africans on board his vessel, has been convicted of the highest grade of offence under our laws, the punishment of which is death.

The territories of Colorado, Dakotah, and Nevada, created by the last Congress, have been organized, and civil administration has been inaugurated therein under auspices especially gratifying, when it is considered that the leaven of treason was found existing in some of these new countries when the Federal officers arrived there.

The abundant natural resources of these territories, with the security and protection afforded by organized Government, will doubtless invite to them a large immigration when peace shall restore the business of the country to its accustomed channels. I submit the resolutions of the Legislature of Colorado, which evidence the patriotic spirit of the people of the territory. So far the authority of The United States has been upheld in all the territories, as it is hoped that it will be in the future. I commend their interests and defence to the enlightened and generous care of Congress.

I recommend to the favourable consideration of Congress the interests of the district of Columbia. The insurrection has been the cause of much suffering and sacrifice to its inhabitants, and as they have no representative in Congress, that body should not overlook their just claims upon the Government.

At your late session a joint resolution was adopted authorizing the President to take measures for facilitating a proper representation of the industrial interests of The United States at the Exhibition of the Industry of all Nations to be holden at London in the year 1862. I regret to say I have been unable to give personal attention to this subject—a subject at once so interesting in itself, and so

extensively and intimately connected with the material prosperity of the world. Through the Secretaries of State and of the Interior a plan or system, has been devised, and partly matured, and which will be laid before you.

Under and by virtue of the Act of Congress, entitled "An Act to Confiscate Property used for Insurrectionary Purposes," approved August 6, 1861, the legal claims of certain persons to the labour and service of certain other persons have become forfeited; and numbers of the latter, thus liberated, are already dependent on The United States, and must be provided for in some way. Besides this, it is not impossible that some of the States will pass similar enactments for their own benefit respectively, and by operation of which, persons of the same class will be thrown upon them for disposal. In such case I recommend that Congress provide for accepting such persons from such States, according to some mode of valuation, in lieu, *pro tanto*, of direct taxes, or upon some other plan to be agreed on with such States respectively; that such persons, on such acceptance by the general Government, be at once deemed free; and that in any event, steps be taken for colonizing both classes, (or the one first mentioned, if the other shall not be brought into existence,) at some place, or places, in a climate congenial to them. It might be well to consider, too, whether the free coloured people already in The United States could not, so far as individuals may desire, be included in such colonization.

To carry out the plan of colonization may involve the acquiring of territory, and also the appropriation of money beyond that to be expended in the territorial acquisition. Having practised the acquisition of territory for nearly 60 years, the question of constitutional power to do so is no longer an open one with us. The power was questioned at first by Mr. Jefferson, who, however, in the purchase of Louisiana, yielded his scruples on the plea of great expediency. If it be said that the only legitimate object of acquiring territory is to furnish homes for white men, this measure effects that object; for the emigration of coloured men leaves additional room for white men remaining or coming here. Mr. Jefferson, however, placed the importance of procuring Louisiana more on political and commercial grounds than on providing room for population.

On this whole proposition, including the appropriation of money with the acquisition of territory, does not the expediency amount to absolute necessity—that, without which, the Government itself cannot be perpetuated?

The war continues. In considering the policy to be adopted for suppressing the insurrection, I have been anxious and careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle. I have, therefore,

in every case, thought it proper to keep the integrity of the Union prominent as the primary object of the contest on our part, leaving all questions which are not of vital military importance to the more deliberate action of the Legislature.

In the exercise of my best discretion I have adhered to the blockade of the ports held by the insurgents, instead of putting in force, by proclamation, the law of Congress enacted at the late session for closing those ports.

So, also, obeying the dictates of prudence, as well as the obligations of law, instead of transcending, I have adhered to the Act of Congress to confiscate property used for insurrectionary purposes. If a new law upon the same subject shall be proposed, its propriety will be duly considered. The Union must be preserved; and hence, all indispensable means must be employed. We should not be in haste to determine that radical and extreme measures, which may reach the loyal as well as the disloyal, are indispensable.

The inaugural address at the beginning of the Administration, and the message to Congress at the late special session, were both mainly devoted to the domestic controversy out of which the insurrection and consequent war have sprung. Nothing now occurs to add or subtract, to or from the principles or general purposes stated and expressed in those documents.

The last ray of hope for preserving the Union peaceably, expired at the assault upon Fort Sumter; and a general review of what has occurred since may not be unprofitable. What was painfully uncertain then, is much better defined and more distinct now; and the progress of events is plainly in the right direction. The insurgents confidently claimed a strong support from north of Mason and Dixon's line; and the friends of the Union were not free from apprehension on the point. This, however, was soon settled definitely, and on the right side. South of the line, noble little Delaware led off right from the first. Maryland was made to seem against the Union. Our soldiers were assaulted, bridges were burned, and railroads were torn up, within her limits; and we were many days at one time without the ability to bring a single regiment over her soil to the capital. Now, her bridges and railroads are repaired and open to the Government; she already gives 7 regiments to the cause of the Union, and none to the enemy; and her people at a regular election have sustained the Union by a larger majority and a larger aggregate vote than they ever before gave to any candidate or any question. Kentucky, too, for some time in doubt, is now decidedly, and, I think, unchangeably, ranged on the side of the Union. Missouri is comparatively quiet; and I believe cannot again be overrun by the insurrectionists. These 3 States of Maryland, Kentucky, and Missouri, neither of which would promise

a single soldier at first, have now an aggregate of not less than 40,000 in the field for the Union; while, of their citizens, certainly not more than a third of that number, and they of doubtful whereabouts, and doubtful existence, are in arms against it. After a somewhat bloody struggle of months, winter closes on the Union people of western Virginia, leaving them masters of their own country.

An insurgent force of about 1,500, for months dominating the narrow peninsular region, constituting the counties of Accomac and Northampton, and known as eastern shore of Virginia, together with some contiguous parts of Maryland, have laid down their arms; and the people there have renewed their allegiance to, and accepted the protection of, the old flag. This leaves no armed insurrectionist north of the Potomac, or east of the Chesapeake.

Also we have obtained a footing at each of the isolated points on the southern coast, of Hatteras, Port Royal, Tybee Island, near Savannah, and Ship Island; and we likewise have some general accounts of popular movements, in behalf of the Union, in North Carolina and Tennessee.

These things demonstrate that the cause of the Union is advancing steadily and certainly southward.

Since your last adjournment, Lieutenant-General Scott has retired from the head of the army. During his long life the nation has not been unmindful of his merit; yet, on calling to mind how faithfully, ably, and brilliantly he has served the country, from a time far back in our history, when few of the now living had been born, and thenceforward continually, I cannot but think we are still his debtors. I submit, therefore, for your consideration, what further mark of recognition is due to him, and to ourselves, as a grateful people.

With the retirement of General Scott came the executive duty of appointing in his stead a General-in-chief of the army. It is a fortunate circumstance that neither in council nor country was there, so far as I know, any difference of opinion as to the proper person to be selected. The retiring chief repeatedly expressed his judgment in favour of General McClellan for the position; and in this the nation seemed to give a unanimous concurrence. The designation of General McClellan is, therefore, in considerable degree, the selection of the country, as well as of the Executive; and hence there is better reason to hope there will be given him the confidence and cordial support thus by fair implication promised, and without which he cannot with so full efficiency serve the country.

It has been said that one bad General is better than two good ones; and the saying is true, if taken to mean no more than that an

army is better directed by a single mind, though inferior, than by two superior ones, at variance and cross purposes with each other.

And the same is true, in all joint operations wherein those engaged, can have none but a common end in view, and can differ only as to the choice of means. In a storm at sea, no one on board can wish the ship to sink; and yet, not unfrequently, all go down together, because too many will direct, and no single mind can be allowed to control.

It continues to develop that the insurrection is largely, if not exclusively, a war upon the first principle of popular government—the rights of the people. Conclusive evidence of this is found in the most grave and maturely considered public documents, as well as in the general tone of the insurgents. In those documents we find the abridgment of the existing right of suffrage, and the denial to the people of all right to participate in the selection of public officers, except the legislative, boldly advocated, with laboured arguments to prove that large control of the people in government, is the source of all political evil. Monarchy itself is sometimes hinted at as a possible refuge from the power of the people.

In my present position, I could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism.

It is not needed, nor fitting here, that a general argument should be made in favour of popular institutions; but there is one point, with its connexions, not so hackneyed as most others, to which I ask a brief attention. It is the effort to place capital on an equal footing with, if not above labour, in the structure of government. It is assumed that labour is available only in connexion with capital; that nobody labours unless somebody else, owning capital, somehow by the use of it, induces him to labour. This assumed, it is next considered whether it is best that capital shall hire labourers, and thus induce them to work by their own consent, or buy them, and drive them to it without their consent. Having proceeded so far, it is naturally concluded that all labourers are either hired labourers or what we call slaves. And further, it is assumed that whoever is once a hired labourer, is fixed in that condition for life.

Now, there is no such relation between capital and labour as assumed; nor is there any such thing as a free man being fixed for life in the condition of a hired labourer. Both these assumptions are false, and all inferences from them are groundless.

Labour is prior to, and independent of capital. Capital is only the fruit of labour, and could never have existed if labour had not first existed. Labour is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as

worthy of protection as any other rights. Nor is it denied that there is, and probably always will be, a relation between labour and capital producing mutual benefits. The error is in assuming that the whole labour of community exists within that relation. A few men own capital, and that few avoid labour themselves, and, with their capital, hire or buy another few to labour for them. A large majority belong to neither class—neither work for others, nor have others working for them. In most of the Southern States, a majority of the whole people of all colours, are neither slaves nor masters; while in the northern, a large majority are neither hirers nor hired. Men with their families—wives, sons, and daughters—work for themselves, on their farms, in their houses, and in their shops, taking the whole product to themselves, and asking no favours of capital on the one hand, nor of hired labourers or slaves on the other. It is not forgotten that a considerable number of persons mingle their own labour with capital—that is, they labour with their own hands, and also buy or hire others to labour for them; but this is only a mixed, and not a distinct class. No principle stated is disturbed by the existence of this mixed class.

Again: as has already been said, there is not, of necessity, any such thing as the free hired labourer being fixed to that condition for life. Many independent men everywhere in these States, a few years back in their lives, were hired labourers. The prudent, penniless beginner in the world, labours for wages awhile, saves a surplus with which to buy tools or land for himself; then labours on his own account another while, and at length hires another new beginner to help him. This is the just and generous, and prosperous system, which opens the way to all—gives hope to all, and consequent energy, and progress, and improvement of condition to all. No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take, or touch, aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them, till all of liberty shall be lost.

From the first taking of our national census to the last are 70 years; and we find our population, at the end of the period, 8 times as great as it was at the beginning. The increase of those other things, which men deem desirable, has been even greater. We thus have, at one view, what the popular principle, applied to Government, through the machinery of the States and the Union, has produced in a given time; and also what, if firmly maintained, it promises for the future. There are already among us those who, if the Union be preserved, will live to see it contain 250,000,000.

The struggle of to-day is not altogether for to-day—it is for a vast future also. With a reliance on Providence, all the more firm and earnest, let us proceed in the great task which events have devolved upon us.

Washington, December 3, 1861.

ABRAHAM LINCOLN.

CORRESPONDENCE respecting the renewal of Diplomatic Relations between Great Britain and Sicily, and the Internal Affairs of the Kingdom of Naples.—1859, 1860.*

No. 1.—Lord J. Russell to Mr. Elliot.

(Extract.)

Foreign Office, June 22, 1859.

THE question of the renewal of diplomatic relations has been decided by the reception of Prince Carini, and the appointment of a Minister Plenipotentiary to Naples by Her Majesty.

Her Majesty is earnestly desirous that the King of the Two Sicilies may have all the strength which he can derive from the affection and gratitude of his people.

The grant of an amnesty, but above all the removal of the odious surveillance of the police, must be felt by thousands of families as a seasonable and long-desired relief.

Her Majesty is sincerely desirous to see the dynasty now on the Throne maintained and consolidated.

With regard to internal reforms, should the Prince of Satriano consult you on the subject, you will remind him that the Constitution has never been abrogated, and that the electoral colleges may be summoned at any time without a change of the existing law. But you will give no opinion as to the time and the mode of restoring animation to the existing Constitution.

In regard to the amnesty, you will observe that it ought to be large enough to admit the return of Baron Poerio and his companions to their country.

You will make particular inquiries of the Prince of Satriana as to the state of Sicily, and the measures intended for the benefit of the people of that island.

You will take care to avoid every appearance of dictation, but you will avow sincerely and openly that Her Majesty takes a deep interest in the welfare of the King and his people.

The Hon. H. Elliot.

J. RUSSELL.

* Laid before Parliament, 1860.

No. 2.—Mr. Elliot to the Earl of Malmesbury.—(Rec. June 23.)

MY LORD,

Naples, June 16, 1859.

I took the opportunity, this evening, of pressing upon M. Carafa the urgency of taking immediate measures for the relief of the prisoners at present confined without trial in the various Neapolitan prisons; and I pointed out that it was vain for a Government to hope to inspire respect for the law if it persisted in itself maintaining a direct violation of it.

To my satisfaction, M. Carafa fully admitted the existence of the abuse I had alluded to, and the necessity of an immediate change. While he expressed his conviction that most of the prisoners were unworthy of sympathy, he allowed that they had a right to demand either to be brought to trial or to be released.

I have, &c.

The Earl of Malmesbury.

HENRY ELLIOT.

No. 5.—Mr. Elliot to the Earl of Malmesbury.—(Rec. June 23.)

MY LORD,

Naples, June 17, 1859.

I YESTERDAY informed your Lordship by telegraph of the publication of the Royal Decrees, granting an amnesty to the political offenders of the years 1848 and 1849, and announcing the pardon of the persons known here under the name of the "attendibili," who had been subjected to the surveillance of the police; and I have now the honour to forward herewith the copies and translations of the Decrees in question.

Too short a time has yet elapsed for it to be possible for me to ascertain exactly the effect produced by these first measures of the new Administration; but although it cannot be questioned that they will cause a general satisfaction, I will not withhold my opinion that this feeling will be mingled with a certain amount of disappointment.

The objection which with the greatest truth can be urged against the act of amnesty, is that it is not extended to the persons convicted of political offences committed subsequently to the years 1848 and 1849; but I am not at present able to say whether those who will thus be excluded form at all a numerous class. Another serious defect is the exclusion from its benefits of those who, like Poerio and Settembrini, were conditionally pardoned by the late King, by the Decree of December last; for, till the publication of the measure, which I can hardly doubt must soon be resolved upon, with regard to their return from exile, they will find themselves in a worse position than those who some months ago were not considered worthy of the indulgence granted to them. The omission, likewise, of all mention of the persons kept in prison without any trial is also unfavourably commented upon, although their position is so peculiar that they could hardly have been included in the same amnesty; but

the language which I have already reported M. Carafa to have held with regard to them, gives every ground for the hope that they will not be much longer neglected.

The act which will be hailed by the country with the greatest satisfaction is undoubtedly that which applies to the "attendibili," but even this has not been received without some hostile comment; for it is objected, and with a justice which cannot be called in question, that the pardon granted to these persons implies that they have hitherto been legally guilty, whereas, no law could be quoted to justify the treatment they have received. This objection to the "pardon" now granted, is certainly keenly felt by some of the "attendibili" of the capital, where there are comparatively few of them, and it will no doubt be shared in by some of those in the provinces; but of the 40,000 or 50,000 persons of whom the class is supposed to be composed, it may, I believe, be safely assumed that by far the greater proportion will learn with unmixed satisfaction that they are released from the detested supervision and disqualifications which they have been subjected to, and that they will not be disposed to find much fault with the words of a Decree to which they will owe their improved position.

The other Decrees, which are likewise inclosed herewith, relate to the shortening of the terms of punishment of some ordinary offences, and to the redemption by the Government of articles of small value, which had been placed in pawn by the poorer classes.

I have, &c.

The Earl of Malmesbury.

HENRY ELLIOT.

(Inclosure.)—Decree, granting an Amnesty to Political Offenders.

(Translation.)

Capodimonte, June 16, 1859.

FRANCIS II, by the grace of God, King of the Two Sicilies, &c.

Wishing to mark by acts of clemency our accession to the throne which Divine Providence has committed to our care, we have decided on trying the effects of extending our sovereign grace to all those still undergoing the respective punishments to which they have been sentenced, viz., of irons, confinement with hard labour, banishment to an island, and imprisonment, for State offences committed in the years 1848 and 1849, and who were not included in the Decrees of Grace of December 27, 1858, and of the 18th of March last.

Following, therefore, our Royal impulse, we have resolved to decree, and decree as follows:

ART. I. All those condemned to irons, confinement with hard labour, banishment to an island, and imprisonment, for political offences committed in the years 1848 and 1849, and who were not comprised in the above-named Decrees of December, 1858, and

March 18, 1859, as inscribed on the lists possessed by the Ministry of Grace and Justice, are released from the remainder of their punishment.

II. Our President of the Council of Ministers, our Provisional Director of the Department of Grace and Justice, &c., are charged with the execution of the present Decree.

PRINCE OF SATRIANO, *Councillor,*

FRANCIS.

*Minister Secretary of State, President of
the Council of Ministers.*

Decree, removing Disabilities for Political Offences.

Capodimonte, June 16, 1859.

FRANCIS II, &c.

Wishing to mark by an act of clemency our accession to the Throne of the Two Sicilies, and to take into our kind consideration those of our subjects who, in consequence of the political troubles of 1848 and 1849, are included in the lists of "attendibili," we have resolved to decree, and decree as follows:

ART. I. Henceforth, the "attendibili" above mentioned are relieved from all impediments in the way of their obtaining travelling passes, and the credentials necessary to enable them to rise to Doctor's degrees; they are, moreover, eligible for public offices.

II. Our President of the Council is charged, &c.

PRINCE OF SATRIANO, *Councillor,*

FRANCIS.

*Minister Secretary of State, President of
the Council of Ministers.*

Decree, commuting the Sentences of Criminals.

Capodimonte, June 16, 1859.

FRANCIS II, &c.

With reference to our Decree of this day's date:

Being desirous that those condemned for ordinary offences should participate likewise in our sovereign clemency;

We have resolved to sanction, and sanction the following sovereign Act:

ART. I. The term of punishment is reduced by 3 years for all those sentenced to irons, whether in bagnes or in garrison, imprisonment with hard labour, transportation to an island, and to the police punishments of confinement in a house of correction, and of banishment within the Kingdom.

II. The fines are remitted.

III. All those sentenced to short terms of imprisonment, domiciliary arrest, and fine, for misdemeanours, are pardoned.

IV. This sovereign indulgence extends to all those whose sentences to the punishments above enumerated, have been pronounced up to the present date.

In cases where the sentence or verdict should not have been irrevocably determined, the condemned will nevertheless have the benefit of the reduction or remission of punishment, unless within the term of one month they declare before a competent magistrate, and in the legal form, that they prefer, in their own interest, to have the matter of the charge discussed before a court of appeal.

V. Are released from their penalties all those convicted of simple contraventions, punishable according to Article XXXVI of the Penal Statutes, and for offences which are of their own and primary nature punishable with the two degrees of confinement with labour, with banishment within the Kingdom, and police banishment, or fine, provided that the offences have been committed before the present date.

VI. Are excluded from the benefits of this act of clemency all accused or convicted of robbery, forgery, according to the cases contemplated by title 5, book 2, of the Penal Law, simple or qualified fraud, simple or fraudulent bankruptcy; likewise all those guilty of offences for the second time.

VII. All our Ministers of State, &c., are charged with the execution of the present Decree, as regards the portion of it which concerns each.

PRINCE OF SATRIANO, *Councillor,*

FRANCIS.

*Minister Secretary of State, President of
the Council of Ministers.*

*Decree for the Redemption by the Government of Articles pledged by
the Poor in the Mont de Piété.*

Capodimonte, June 15, 1859.

FRANCIS II., &c.

Wishing the necessitous classes of our most beloved subjects to participate in our sovereign munificence on the occasion of our accession to the throne :

We have resolved to decree, and decree as follows :

ART. I. All articles of woollen stuff, and cloth, and of ordinary metal, up to the value of two ducats for each person, which have been placed in pawn up to the 15th June instant in the "Mont de Piété" of our Royal Bank of the Two Sicilies shall be paid for, with interest, by our Royal Treasury and are to be returned gratis to those who pledged them.

II. Our Director of the Ministry of Finance is charged with the execution of the present Decree.

PRINCE OF SATRIANO, *Councillor,*

FRANCIS,

*Minister Secretary of State, President of
the Council of Ministers.*

RAIMONDO DE LIGUORO, *Director of Finance, &c.*

No. 6.—Lord J. Russell to Mr. Elliot.

SIR,

Foreign Office, June 23, 1859.

I HAVE received and laid before the Queen your despatches of the 16th and 17th instant, and I have the satisfaction of conveying to you Her Majesty's gracious approval of your proceedings as reported in those despatches.

With reference to your despatch of the 17th instant, inclosing the Decrees announcing an amnesty to the political offenders of the years 1848 and 1849, and the pardon of the persons subjected to the surveillance of the police, I have to state to you that Her Majesty's Government concur in your observations upon the omissions in those Decrees, and desire that you should urge General Filangieri to extend the terms of the amnesty for political offences so as to include those persons exempted from the operations of the present Decree.

I am, &c.

The Hon. H. Elliot.

J. RUSSELL.

No. 7.—Mr. Elliot to the Earl of Malmesbury.—(Received June 28.)
 (Extract.)

Naples, June 20, 1859.

I HAVE the honour to forward to your Lordship herewith a letter, together with its translation, which I have received from some of the unfortunate prisoners confined in the gaol of Sta. Maria Apparente, of whom the total number is 48; 16 of them being accused of being accomplices of Milano, who attempted the late King's life. Your Lordship will observe that this letter is couched in the most moderate language, and that the petitioners confine themselves to the prayer that they may either be brought to trial or set at liberty.

I considered that I should best advance the interests of these ill-used people by letting both M. Carafa and Prince Filangieri know that I had received the petition, and by allowing them to read a copy of the letter to which the signatures were not attached. I regret, however, to have to report that I was not able to extract anything which will justify me in holding out to the friends of the prisoners the expectation of an immediate release. Both of the Neapolitan Ministers, indeed, at once admitted that the petition was moderate and unexceptionable, and that it asked for nothing more than what the prisoners had a strict legal right to demand; and on my insisting that their detention was a gross violation of the law, they both of them allowed this to be the case.

In most countries an admission of that nature might be considered nearly equivalent to a determination that justice should be done; but the law has here been so systematically violated and disregarded, that I am afraid of being too sanguine.

The Earl of Malmesbury.

HENRY ELLIOT.

No. 9.—Mr. Elliot to the Earl of Malmesbury.—(Received June 28.)
(Extract.) *Naples, June 21, 1859.*

I HAVE already made your Lordship acquainted with some of the objections which were almost immediately taken to the late Royal Decrees respecting the amnesty and the "attendibili;" and I regret to have now to report that these objections have been more and more gaining ground till the first feeling of satisfaction which was excited on the appearance of the measures, has given way to an almost universal disappointment at their not being more complete.

I did not conceal from General Filangieri my regret that the amnesty should have been limited to the persons implicated in the events of 1848 and 1849, whom I understood to be few in number, while those imprisoned in the following years are said to be extremely numerous; and I added, that the omission of all mention of the exiles had produced an unfortunate effect. His Excellency said that the persons who would benefit by the amnesty were more numerous than I seemed to imagine, and amounted to about 180; but he admitted that the measure would be incomplete without another, relative to the exiles, which must certainly follow.

I likewise called his attention very particularly to the Decree respecting the "attendibili," according to which also it would appear that it was only those implicated in 1848 and 1849 who were to benefit by it.

From this interpretation of the Decree, General Filangieri expressed the most entire and absolute dissent, and he gave himself the greatest pains to show that it applied to the whole of those who had never been placed upon the list; and although the wording of the Decree is equivocal, it can certainly be made to bear the construction he puts upon it, and which he declares to have been the one intended by the King.

The explanation which General Filangieri gives is, that previous to 1848 and 1849 the "attendibili" did not exist, but that a list of them was then made which has been constantly added to; and the Decree, which restores to their civil rights all the persons who had been ranked among the "attendibili," created by the events of the above-mentioned years, applies to the whole of those who are upon the list.

Nothing, in short, could be more complete or unmistakeable than General Filangieri's assurance that the measure was of the most universal application.

The Earl of Malmesbury.

HENRY ELLIOT.

No. 12.—Mr. Elliot to Lord J. Russell.—(Received July 5.)
MY LORD, *Naples, June 27, 1859.*

WITH reference to my telegraphic messages of yesterday's date, giving the substance of the edict with reference to the exiles, I have now the honour to transmit to your Lordship, in original and translation, the edict itself, as it appeared, *in extenso*, in the "Gazette" of last Saturday. I have, &c.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—Edict.

(Translation.)

Capodimonte, June 16, 1859.

FRANCIS II, by the grace of God, King of the Kingdom of the Two Sicilies, &c.

Being desirous upon the occasion of our accession to the Throne to make those of our subjects participate in our sovereign indulgence, who, in consequence of the conduct followed by them during the disorders of 1848 and 1849, find themselves in foreign parts;

We have resolved to decree, and do decree as follows:

ART. I. Permission to return to their country is granted to our subjects, exiles in foreign parts, whose names are herewith annexed:

[Here follow 137 names of exiles.]

II. We, however, reserve to ourselves to provide for those others of our subjects, exiles in foreign parts, and not comprised in this sovereign act of ours, who shall send in their petitions to us, and who shall promise to live within the shadow of our laws, as for every honest subject is meet and right.

III. Our Councillor, Minister Secretary of State, President of the Council of Ministers, our Lieutenant-General in Sicily, our Minister Secretary of State for the Affairs of Sicily, near our Royal person; the Chargé du Portefeuille of the Ministry of Foreign Affairs, the Provisional Administrator of the Ministry of General Police, are severally charged with the execution of the present Decree, as each is for his part concerned therein.

PRINCE OF SATRIBANO, *Councillor,*

FRANCIS.

*Minister Secretary of State, President of
the Council of Ministers.*

No. 14.—Lord J. Russell to Mr. Elliot.

(Extract.)

Foreign Office, July 6, 1859.

You will press strongly on the Principal Minister of the Crown the necessity of abolishing, as soon as possible the despotism of the police.

Men may differ about the merits of Representative Constitutions, and the form and time in which they should be put in force; but there can be no difference of opinion among enlightened men

about the necessity of a due, impartial, and speedy administration of justice.

To keep men in prison without trial; to place them under a zealous and suspicious police, thus embarrassing all their actions—even the most innocent—is contrary to every principle of justice, it is also a violation of the code by which the Neapolitan Government professes to be guided.

It was the open, systematic, and continued violation of justice which induced Her Majesty's Government to suspend friendly relations with Naples.

Perhaps the best course would be to summon a Representative Assembly, and frame, with their assistance, laws by which arbitrary government may be checked. But, at all events, some steps in favour of liberal institutions are absolutely required, in order to prevent an outburst of discontent, which can only be suppressed by military force.

You will guide your conduct by the language of this despatch.

The Hon. H. Elliot.

J. RUSSELL.

No. 15.—Mr. Elliot to Lord J. Russell.—(Received July 7.)

(Extract.)

Naples, July 1, 1859.

YOUR Lordship's despatch of the 22nd June was delivered to me on the 27th by Messenger Johnson, and I shall not fail to guide my conduct by the instructions it contains.

With regard to the Constitution, I shall carefully follow the line prescribed by your Lordship, by abstaining, as I have hitherto done, from expressing any opinion as to the necessity for its immediate revival; but I feel assured that I have not gone beyond your wishes by avowing to the Neapolitan Ministers the conviction that a return to a constitutional form of Government will be the most effectual, and perhaps the only, mode of giving real stability to the throne.

Though my language has been hitherto of this vague nature, your Lordship will, perhaps, allow me to express the belief that the time is fast approaching when the interest of the Neapolitan Kingdom and of the dynasty now occupying the throne will make it advisable that the opinion of Her Majesty's Government should be more clearly stated, and their influence more decidedly felt.

The desire for a Constitution is daily increasing, and converts to the cause are being gained from the highest quarters; not the converts of conviction, but those of fear, who, without love for free institutions, see in them the sole escape from other dangers; but any influence which they may possess is paralyzed by that of the Camarilla, who, as I have before stated, teach the King that he may rely on the support of Great Britain.

The warnings which I may give of the falseness and danger of this calculation can produce but little effect compared to that which might be made by a formal declaration on the part of Her Majesty's Government that, notwithstanding their desire to see the present dynasty maintained upon the throne, neither their material nor moral support is to be looked for, if, by a continued denial of an improved form of Government, the people is driven to expel it.

An assurance of this nature, coupled with a promise of a hearty moral support to the dynasty, in the event of fair liberal institutions being honestly granted by the King, would undoubtedly have great effect upon the Court; and, without inconveniently compromising Her Majesty's Government, or even giving an appearance of interference in the internal affairs of Naples, it would, I believe, at the same time, satisfy the wishes of the large moderate constitutional party.

Lord J. Russell.

HENRY ELLIOT.

No. 17.—Mr. Elliot to Lord J. Russell.—(Received July 7.)
(Extract.) *Naples, July 2, 1859.*

I WAS this morning received by the King in an audience at which I had the honour to put into his hands, with suitable expressions in Her Majesty's name, the Queen's reply to the letter in which His Majesty had announced the death of King Ferdinand, and his own accession to the throne.

I took the opportunity of telling the King that, since I had last had the honour of seeing him, I had received your Lordship's despatches, which contained assurances of the interest and goodwill of Her Majesty's present Government towards him, no less lively than those which I had before been instructed by the Earl of Malmesbury to express; but I added that Her Majesty's Government feel strongly that the true, and probably only support upon which His Majesty ought to rely, is to be found in the affection and gratitude of his own subjects.

The King replied that he would be glad to do what he could.

Lord J. Russell.

HENRY ELLIOT.

No. 18.—Lord J. Russell to Mr. Elliot.

SIR,

Foreign Office, July 7, 1859.

HER Majesty's Government concur in the opinion which you express in your despatch of the 1st instant, of the importance of the King of the Two Sicilies deciding at once to adopt a liberal system of internal policy, as the only chance of averting a political convulsion, and of maintaining himself and his dynasty on the throne.

It seems hardly credible that either His Majesty, or any of the

counsellors by whom he is surrounded, should shut their eyes to the perils of the present moment, or expect that when the rest of Italy is agitated by hopes of liberty and improvement in its social position, Naples alone should remain uninfluenced by the general movement.

The King may now with a good grace enter upon a new system of government. He can do so now without exposing himself to any imputation of inconsistency, and a less measure of alleviation would be accepted with gratitude by his subjects if spontaneously granted now, than if it were hereafter extorted by revolutionary violence.

It may suit the purposes of those who have thriven on the past abuses, to encourage the King to follow in his father's footsteps, for a change of system would probably lead to their ruin; but it appears to Her Majesty's Government that the King has now to choose between the ruin of his evil counsellors and his own; if he supports and upholds them, and places himself under their guidance, it requires not much foresight to predict that the Bourbon dynasty will cease to reign at Naples, by whatever combination, Regal or Republican, it may be replaced.

Her Majesty's Government fully admit that it is not desirable that any Government should be hasty or intrusive in giving advice regarding domestic changes in another country; but when the throne of an ally may be endangered, it becomes the duty of a friendly Power to say that, notwithstanding its desire to see the present dynasty maintained on the throne of Naples, neither the moral nor the material support of England is to be looked for by the King, if, by a continual denial of justice, and the refusal of an improved form of internal administration, the Neapolitan people should be driven into insurrection, and should succeed in expelling the present dynasty from the throne.

It would surely add to the stability of the King's throne, both at home and abroad, if it were known that the sympathies of the British Government were enlisted in his favour; while, on the other hand, the mere fact of a policy being persevered in by His Majesty, which must notoriously alienate those sympathies from him, is of itself the strongest encouragement to perseverance which can be held out to persons honestly seeking, but determined to obtain at all hazards, an improvement in the internal administration of the Neapolitan territories.

I am, &c.

The Hon. H. Elliot.

J. RUSSELL.

No. 21.—Lord J. Russell to Mr. Elliot.

(Extract.)

Foreign Office, July 9, 1859.

THE Queen having been graciously pleased to appoint you to be Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at

the Court of Naples, I transmit to you letters which Her Majesty has addressed to the King and Queen of the Two Sicilies, accrediting you in that character; and I am to desire that you will deliver the same in the usual form.

Copies of your letters of credence are likewise inclosed.

The Hon. H. Elliot.

J. RUSSELL.

No. 22.—Mr. Elliot to Lord J. Russell.—(Received July 26.)
(Extract.) *Naples, July 17, 1859.*

IN obedience to the instructions contained in your Lordship's despatch of the 7th instant, I have informed General Filangieri of the opinion of Her Majesty's Government, that the only chance of safety for the King and his dynasty lay in the convocation of a Representative Assembly.

Lord J. Russell.

HENRY ELLIOT.

No. 24.—Mr. Elliot to Lord J. Russell.—(Received July 26.)
(Extract.) *Naples, July 17, 1859.*

I READ to General Filangieri, almost *in extenso*, your Lordship's despatch of the 7th instant.

He listened to it with extreme attention, and appeared fully to recognize the friendly interest shown by Her Majesty's Government.

His wish to stand well with England cannot be called into question; and he is quite aware that the sympathy and goodwill of the British Government must constitute a strong element of stability to the throne. By being now warned that, notwithstanding the desire of Her Majesty's Government to see the present dynasty maintained on the throne of Naples, neither the moral nor material support of England is to be looked for by the King if his people are driven into insurrection by a continued denial of justice. General Filangieri is furnished with a powerful weapon against those who oppose his attempts to carry out those measures which alone can secure the sympathy of Her Majesty's Government.

Lord J. Russell.

HENRY ELLIOT.

No. 25.—Lord J. Russell to Mr. Elliot.
(Extract.) *Foreign Office, July 28, 1859.*

THE leaders of the Liberal party should be told that Her Majesty's Government cannot encourage them in any course which might bring down upon them the resentment of their Government. In such case Her Majesty's Government could not interfere to protect them, and must therefore be cautious in giving them any advice.

It appears, however, to Her Majesty's Government, that the persons in question ought not to present any petition, or take any step which might be, or which might be considered, illegal. The wish of Her Majesty's Government is to see the Neapolitan dynasty supported on the basis of liberal institutions, and we shall not fail to speak in that sense to the Minister who may be appointed to represent the King of the Two Sicilies at the Court of Her Majesty.

The Hon. H. Elliot.

J. RUSSELL.

No. 28.—Mr. Elliot to Lord J. Russell.—(Received August 3.)

MY LORD,

Naples, July 29, 1859.

I HAVE the honour to inclose herewith, in copy and translation, an instruction addressed by Prince Satriano, as President of the Council, to the Ministers of the Interior, of Police, and of Public Works.

The two first paragraphs are of no political importance, and relate to measures to be taken for the cleaning of the streets of Naples, the necessity for which no one who has visited this capital is likely to call in question.

The following paragraph directs, that in every province in the Kingdom the Secretary-General, or a substitute, is to visit each commune and report upon the working of the Law of December 12, 1816, and the manner in which public works had been commenced and carried out. The propositions of the last session of the Provincial Councils are to be examined, and the great maxim is to be adhered to, that the simple assent of the Government to the proposals of the Councils is sufficient, but that their veto must be justified by reason, by necessity, and the demands of the public authority.

The last paragraph relates to the purifying of the prisons, which are to be made light, healthy, and clean.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—Prince Satriano to the Neapolitan Ministers of the Interior, of Police, and of Public Works.

SIGNOR DIRECTOR; (Translation.) *Royal Palace, July 24, 1859.*

IN accordance with my proposition made at the Council of Ministers, with regard to the works to be executed at the expense of the city of Naples, I submitted a corresponding report to His Majesty the King, who, ever intent upon the welfare and advantage of his truly beloved subjects, has been pleased, in his profound wisdom, to approve the following :

1. The Directors of the Royal Ministerial Departments of the Interior and General Police will concert together, in order to

provide efficiently for the cleanliness of this beautiful city, taking care among the many nuisances, to suppress particularly the evening inundation in the vicinity of the Royal Theatre of San Carlo, by placing tubs in convenient sites which may be cleansed every morning, and, if required, several times a day.

2. In like manner, His Majesty desires that measures should be taken to render decent the furthestmost part of the Mergellina from the Square of the Landing-place to the commencement of the Posilipo Road, and to prevent, during the hours of the promenade, dirty linen and rags from being suspended there to dry; but allowing the poor women the other hours of the day for that purpose.

3. The Secretary-General, or, in his stead, a Councillor of Intendenza, shall be commissioned to visit in every province; functionaries to be chosen for such mission, who, from their experience, incorruptible probity, superior administrative knowledge, and firmness of character, enjoy more particularly the esteem of their superiors and the good opinion of the public.

To these shall be committed the charge of visiting every commune, in order to ascertain whether the prescriptions of the Law of the 12th December, 1816, are acted up to; whether the public works are executed according to the plans officially approved, and in what manner they have been undertaken, continued, and completed, in relation to workmanship as well as management.

4. The said visitors, previous to quitting a commune, will draw up a report with remarks and details, divided, for greater perspicuity, into heads, and therein will state the result of what they have seen and ascertained, accompanying each head with their own proposal on the subject; because it is proper that, by the side of the evil, abuse, or contravention, the proposed remedy should appear.

Of these reports, drawn up in duplicate, one copy is to be transmitted to the Ministerial department, and the other to the Intendente of the Province, so as to enable him to press the matter within the sphere of his own powers. The Ministerial Department, on its part, will, by means of appropriate and elaborate instructions, take the necessary measures for rendering these visits productive of the greatest possible good.

5. Furthermore, Signor Director, you will diligently apply yourself to the careful examination of the propositions of the Provincial Councils, which were presented in their last meeting of May of the present year, in order to prove to the provinces, by facts, that the King takes a warm interest in the consideration of their wishes, in accepting, without delay, those which can speedily be put into execution, with the funds that exist, and in examining also, with care, those whose completion may be delayed, for the time,

grant; for an affirmative reply is good of itself, whereas a negative should be proved expedient by motives of reason, necessity, and the claims of public authority.

6. Lastly, Signor Director, I beg to remind you, and you will be equally convinced with myself that prisons ought not to be squalid or unwholesome, and, consequently, that in those of the capital, of the principal provincial towns, districts, and communes, the competent authorities should forthwith proceed to repair the plaster and the bedsteads, as well as to whitewash the walls, with a double, or even treble, coat of lime, mixing with the lime, if possible, a certain portion of chloride, and see to the good condition of the cesspools, which are in general overlooked.

You will be pleased, Signor Director, to see to the execution of the above Sovereign orders in as far as they regard yourself, having already made the corresponding communications to the other Departments whom in part they may concern.

SATRIANO, *President of the Council.*

No. 29.—Mr. Elliot to Lord J. Russell.—(Received August 3.)

MY LORD,

Naples, July 29, 1859.

YOUR Lordship is aware that the corruption of the judges and the constant perversion of justice has been one of the chief causes of the discontent prevailing in the Neapolitan dominions, and will learn with satisfaction that the Government have taken the matter into their serious consideration.

I have the honour to inclose, in copy and translation, an instruction from Prince Satriano to the Minister of Justice, directing that a searching inquiry and report be made upon the manner in which every judicial officer has fulfilled the duties of his office, with a view to the suspension or dismissal of such of them as shall be found undeserving.

The necessity is likewise recognized of giving a fair remuneration to the judges, who should not be subjected to the alternative of having either to struggle against poverty or to accept bribes.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—Prince Satriano to the Minister of Grace and Justice.
(Translation.)

Naples, July 24, 1859.

IN accordance with what I proposed in the Council of Ministers respecting the superintendence to be observed over the Royal

Judges, I have submitted a similar plan to His Majesty the King our Master, who, being always mindful of the good of his truly beloved subjects, has been pleased, in his great wisdom, to approve as follows :

In every province the Deputy Procurator-General of the King, or a judge to be chosen either in the High Civil or Criminal Courts, the preference being given to those most noted for diligence, firmness, and probity, shall proceed without delay to the chief town of each district to take an exact account of the manner in which the Royal Judges and Chancellors discharge the duties of their offices, and how the District Chanceries are maintained. These magistrates, before leaving the town they visit, must draw up a detailed report, in which they will describe all that they have seen and ascertained on the spot, making such propositions as they consider most fitting to remedy the evils seen by them.

These reports may be divided so as to separate from them that portion considered by the visiting magistrate worthy of being brought under the notice of the Ministry solely and privately ; and this because, perhaps, the immediate dismissal or suspension, without pay, of some Judge or Chancellor may sometimes be proposed.

Probity in those functionaries who are brought into more immediate contact with the people is essential to the welfare of the latter ; from which it follows that such magistrates ought to be paid, at least in a manner sufficient to provide for the simple necessities of life.

With this important object, you, Mr. Director, will be pleased to receive the orders of the King, in order to submit to him some apposite and well-considered proposition.

His Majesty, in his profound wisdom, has felt the necessity of not subjecting the District Judges daily to the hard alternative of struggling against poverty, or of betraying the first of their duties, namely, that of never setting a price on justice.

These reports will be directed confidentially to the Minister of Grace and Justice, who will ask for the Royal decision on any part that exceeds the Ministerial powers.

Be pleased to see that these Royal Ordinances be carried out, and to inform me what you think ought to be allowed the said visiting magistrates to provide for the expenses likely to be incurred by them in their visits, in order that I may ask for the Royal decision on the subject.

PRINCE SATRIANO, *Minister Secretary of State, &c.*

No. 32.—*Mr. Elliot to Lord J. Russell.*—(Received September 8.)
 MY LORD, Naples, August 26, 1859.

A SHORT time ago it was reported to me that an Ionian citizen,

who had been sentenced for forgery to 10 years' imprisonment, was kept in confinement, notwithstanding the expiration of his sentence; and having immediately called M. Carafa's attention to the matter, requesting that the man might be set at liberty, I was informed by his Excellency two days ago that this had been done.

In conversation with Prince Satriano, I alluded to this case as an instance of the manner in which justice is administered in this country; when, to my astonishment, he explained that no criminal gets his discharge after the expiration of a sentence, unless the police declare that this can be done without danger to the public.

This law or regulation leaves it to the discretion of the police to prolong indefinitely the sentence of any condemned criminal, and is not a bad exemplification of the absolute power which it enjoys.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 34.—Mr. Elliot to Lord J. Russell.—(Received September 8.)

(Extract.)

Naples, September 1, 1859.

I RECEIVED last week a letter, of which I have the honour to transmit a copy and translation, from the untried prisoners in the Santa Maria Apparente, requesting me to forward to the King a petition which they had drawn up, begging to be brought to trial.

I was at considerable loss to know what to do with this document; for while it was evident that the Minister of a foreign Court was not the proper channel of communication from Neapolitan subjects to their Sovereign, it would have been cruel not to try to secure to these unfortunate people any benefit they could obtain from the direct appeal to the King, which, as they say, they had no other means of making.

I therefore told Prince Satriano that I had received the petition, and that, although I could not forward it to the King, I should be very glad if it were possible to secure its reaching His Majesty; and his Excellency thereupon undertook that it should be delivered.

The King has, up to the present moment, shown but little signs of relenting in the treatment these persons are subjected to.

I have the honour to inclose a translation of the petition to the King, but at the moment when I had the opportunity of handing the original to Prince Satriano, a copy of it had not been made.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—Petition.

SIRE,

(Translation.)

FOR 30 months your petitioners have been separated from their families who are in Calabria, and are toiling, uncondemned, in this
[1860-61. M.]

prison, detained there by some, to them unknown, suspicion of the police, and of all the political prisoners that were in Santa Maria Apparente, they alone remain. The exception that has been made on their account, causes them to fear that they have been represented in the blackest colours before the eyes of their Sovereign, and they, therefore, make a direct appeal to the throne of your Majesty, and loudly proclaim their innocence.

But what means have they of proving this assertion? In their situation the difficulties are but too great; the police having arrested and accused them, and it alone can make reports on them, who are in a prison which belongs exclusively to the police. Therefore, if the police be in the wrong, if they have acted with want of faith, it is certain that they will not acknowledge their mistake, and confess their wrong doings. There remains, then, no hope for the petitioners unless the Sovereign Power assist their weakness. This they now implore, and entreat your Majesty that you may deign to order an examination of their trial by some judge who differs from their former one, that is to say, the police, and who be not influenced by it. It is a known fact that the police used violence towards Domenico Antonio Marchese, Vitangelo Fanger, and Giuseppe Mendiesni, making them sign false declarations in which they accused themselves, and inculpated several of the petitioners. All these 3 were liberated in January last, one of them returning to his family, and the other two proceeding to some island. If these 3 be not guilty, how can those implicated by them be so? This shows that they have not acted with honesty.

Sire, we do not think that we are doing an injustice to the authorities in acting thus; we appeal to the Sovereign, who is the common father of his subjects, in the belief that we have the right to lay our protest before your Majesty, even against the authorities, who must always be subject to the Sovereign Power. We do not fear that for this appeal to our Sovereign the police can aggravate our present position.

This we pray, in the event (as we the petitioners suspect) of the police persisting in imputing crimes to us which we have not committed. But if, on the other hand, the police itself, as we flatter ourselves, after careful researches, will have brought the truth to light and established the innocence of the petitioners, we will retract the above-mentioned accusations in praising its zeal, and simply implore of your Majesty, with humble entreaties, our liberation and restoration to our desolate families.

(Here follow the signatures.)

No. 38.—Lord J. Russell to Mr. Elliot.

SIR,

Foreign Office, September 15, 1859.

THE accounts you give in your despatches of the 1st and 2nd instant, with regard to the condition of the "attendibili," the frivolous excuses made for putting a restraint upon their freedom, together with the King's refusal, to bring to trial the prisoners in Santa Maria Apparente, or to discharge them, show that the primary rudiments of judicial administration have yet to be learnt by the Neapolitan Government.

In these circumstances the only chance of rescue for the people of the Two Sicilies lies in the establishment of a Representative Constitution. Upon the details of such a measure Her Majesty's Government can offer no opinion. But free discussion in a popular assembly, and the admission of public opinion to act upon the Government, would afford the only means of checking at present, and preventing for the future, such flagrant abuses of power as are described in your despatches.

I am, &c.

H. Elliot, Esq.

J. RUSSELL.

No. 40.—Mr. Elliot to Lord J. Russell.—(Received October 2.)

MY LORD,

Naples, September 26, 1859.

THE last conversation which I had with M. Carafa was little calculated to encourage hope that the Neapolitan Government are likely to take any measures of importance calculated to diminish the dangers threatened by the prevailing misconduct.

Nothing could be more explicit than the language in which he assured me that it was the unanimous opinion of the Government that any change in the institutions of the country would be productive of revolution, and that their efforts must be confined to endeavouring to effect some improvements in the administration of the existing laws and to cause them to be respected.

A strict observance of the laws would of itself undoubtedly be a boon of no trifling magnitude in a country where its disregard by the authorities has become habitual, but it was far from M. Carafa's intention to intimate that the power of the law should be really sacred; for upon my alluding to the persons now kept in prison in spite of the laws, his Excellency argued that a discretion must always be left to the Sovereign to supersede the regular laws when he considers it for the public interest to do so.

I expressed the regret with which I had heard the principles M. Carafa had proclaimed; adding, that if they are acted upon and troubles follow, he may probably find that they will have cost the Neapolitan Government the sympathy of most of the Governments of Europe: for that his language could only be under-

stood as an expression of the determination to uphold a system which is almost universally condemned. I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 42.—Mr. Elliot to Lord J. Russell.—(Received October 9.)
(Extract.) *Naples, October 2, 1859.*

I AVAILED myself of the audience granted me yesterday by the King for the purpose of delivering the Queen's letter to point out to His Majesty in the most serious manner the danger of the system of administration adopted at present in this country.

I said that the knowledge that the difficulty of ascertaining the true state of things, which was great for everybody, became still greater for Sovereigns, to whom the persons around them dreaded to tell distasteful truths, emboldened me to freely represent to His Majesty the dangers attending the course upon which his Government seemed resolved to enter. I told him that the recent arrests in Naples had produced something approaching to a panic, accompanied by a feeling of profound irritation; and, although His Majesty said that he did not consider the internal state of the country as critical as it was now believed by the public to be, I remarked that it was natural for the public to imagine that nothing except a sense of imminent danger could have induced or would justify the numerous arrests taking place in Naples, in Palermo, and in Messina.

I said I was aware that some of his Ministers maintained that there was no general discontent in the country, and that the uneasiness was kept alive by the restlessness of a small number of turbulent spirits; but I besought him not to allow himself to be misled by representations of this nature, for from the accounts which I received from all sides, it was impossible for me to doubt that the discontent was so universal and deep-rooted that measures of conciliation or of repression have become indispensable.

I represented that the former might still be effectual, and that concession to the moderate demands of the country might ensure to him tranquillity at home and sympathy from abroad; whereas, if it was determined to resort to the forcible coercion of the feelings prevailing, it behoved His Majesty to calculate well the force at his command and to weigh thoroughly the risk that he ran, before adopting a policy which, if it failed, must lead to results the extent of which could not be calculated, and which would deprive him of all chance of either succour or sympathy from abroad. If those now arrested were shown to be conspiring against His Majesty's throne, the irritation now felt against his Government would at once cease, and, therefore, the only course which it now seemed possible to pursue with advantage was to put them upon their trial without

a moment's delay. If they could be proved guilty of a conspiracy against His Majesty, their condemnation would be received as a justification of their arrest, and if acquitted they might immediately be released, and in either case the Government would be believed to have acted on a conviction of their guilt; but if, on the other hand, these persons are not brought to trial, His Majesty must be prepared to find that the public will look upon their arrest as a purely arbitrary act, directed, not against conspiracies, but against opinions. I said the extreme signification applied to the word "revolutionists" by some of His Majesty's Ministers had created much alarm in my mind; and I put it to His Majesty to say whether it would be just or fair to consider as conspirators those who might think themselves entitled to concert together to find the means of procuring the resuscitation of that Constitution which had been solemnly granted, but never formally revoked, and which might, therefore, strictly be still regarded as the law of the land.

I concluded by begging His Majesty to believe how extremely unwilling I was to bring forward topics which must be distasteful to him, and that nothing would have induced me to do so but the knowledge of the interest felt by Her Majesty and by her Government in the prosperity of this Kingdom, and in the welfare of himself and his dynasty, which made me feel that it would not be pardonable in me if, seeing him stand, as I believed, on the brink of an abyss, I did not do my best to warn him of the dangers towards which the counsels of blind advisers are hurrying him.

His Majesty gave no sign of resenting the language I had made use of, and expressed himself fully satisfied of the goodwill of Her Majesty's Government.

I trust I shall receive your Lordship's approbation for having expressed myself so freely to the King; but although His Majesty is so constantly surrounded by narrow-minded and bigoted advisers, who are leading him to destruction, that I cannot flatter myself with the hope that my counsels are likely to produce much effect, I believed I could scarcely misunderstand the wishes of Her Majesty's Government if I made every effort to prevent his perseverance in a system which, in all probability, will lead to complications of which no one can foresee the solution.

Lord J. Russell.

HENRY ELLIOT.

No. 45.—Mr. Elliot to Lord J. Russell.—(Received November 24.)

(Extract.)

Naples, November 1, 1859.

YOUR Lordship is aware, that almost immediately after the decree was issued for the relief of the "attendibili," it began to be rumoured that the act was illusory and not practically carried out.

Cases gradually became known where individuals were refused

permission to pass from one part of the country to another, and a private circular was spoken of in which the Minister of Police gave such instructions to the prefect of the different provinces, as virtually to counteract the decree which had been received with so much satisfaction in the country, and which out of it had been taken as the forerunner of a better state of things.

At last, a translation of what purported to be the circular itself, was published in a foreign newspaper; and as the Ministers do not now attempt to deny its authenticity, I have the honour to transmit to your Lordship a copy of this document thus made public, the date of which was but two days subsequent to that of the decree, the effect of which it was intended to modify, or, perhaps it may be said, to nullify.

By it your Lordship will perceive that the prefects are especially prohibited from treating the suspected persons like the rest of the Neapolitan subjects, with reference to permission to travel either in the country or abroad, or to allow them to become candidates for any municipal offices; they are even spoken of as "*attendibili*," and all their old disqualifications may be said to be maintained until a special decision to the contrary is taken in each individual case.

I would wish also particularly to draw your Lordship's attention to the paragraph which points out to the prefects that the decree of relief is only applicable to "*attendibili*" of earlier date than those of 1848 and 1849.

The discrepancy between the words of the decree and those employed in the confidential circular of the Minister of Police is so great that I cannot do more than point it out, without pretending to find a satisfactory explanation; but your Lordship will not be surprised to learn that the knowledge of this circular should have confirmed the conviction among the public, that the decree of relief was never issued in good faith, nor intended to be honestly carried out.

Lord J. Russell.

HENRY ELLIOT.

(*Inclosure.*)— *Extract from the "Nord" of October 3, 1859.*

DEUX SICILES.—NOTRE correspondant de Naples nous a plusieurs fois affirmé que malgré l'amnistie accordé par Sa Majesté François II, la situation des personnes désignées sous le nom "*d'attendibili*" (suspects) en province n'était pas sensiblement améliorée.

La circulaire de M. le Directeur de Police Casella, que nous publions ci-après, vient à l'appui des assertions de notre correspondant. Elle porte la date du 18 Juin. On se rappelle que l'amnistie avait été accordée le 16 par le Roi.

Voici cette circulaire :

“ M. l'Intendant,

“ Maintenant plus que jamais on doit veiller à empêcher les menées des malveillants, et, par conséquent, l'obligation vous incombe de vous astreindre à l'occasion aux règles suivantes, afin de pouvoir prendre les décisions en conformité avec les ordres suprêmes.

“ 1. Chaque fois que les ‘attendibili’ (suspects) politiques demanderont des passeports de circulation pour Naples et autres lieux, vous devez les dissuader d'insister pour obtenir ces passeports en vue des périls auxquels ils s'exposent de la part du Gouvernement.

“ 2. En cas où ils s'obstineraient en se couvrant du récent décret du 16 courant, vous devez m'en avertir préalablement dans le plus bref délai.

“ 3. Dans le cas où, en vertu du décret susdit, ils réclameraient des certificats pour subir des examens publics, ou pour obtenir des papiers autorisant l'exercice de quelque profession ou art, ou dans un autre but quelconque; ou bien que, par la faiblesse des fonctionnaires municipaux, ils seraient proposés pour des charges communales, vous devez toujours marcher d'accord avec moi, de manière à ce qu'aucun de ces documents ou actes de nomination ne soit jamais expédié sans que ma propre autorisation ait été donnée spécialement à cet effet. Si quelqu'un des ‘attendibili’ pensait à se rendre en pays étranger vous devrez l'avertir immédiatement qu'il ne pourra que fort difficilement rentrer dans le pays, et dans le cas où il persisterait dans sa résolution, vous devrez en avertir immédiatement ce Ministère et celui des Affaires Etrangères. Dans ce but, en envoyant des documents ordinaires relatifs aux demandes de passeports pour l'étranger, vous devrez indiquer non seulement la qualité ‘d'attendibili,’ mais encore toutes les circonstances accessoires.

“ 4. Il demeure expressément entendu que toutes les décisions concernant l'arrestation, l'éloignement, l'internement et toutes autres mesures de police restent en pleine vigueur pour ceux qui sont compromis pour paroles ou actes postérieurs à 1848 et 1849. Ces mesures restent également en vigueur pour ceux qui se sont compromis en 1848 et 1849, mesures qui ont été ordonnées par dispositions spéciales et qui le seront désormais par esprit de précaution.

“ Vous continuerez à être, M. l'Intendant, personnellement responsable de la moindre déviation à cette règle.

“ Vous serez informé exactement des modifications et des mesures énergiques que vous serez chargé de faire exécuter selon la volonté et les ordres supérieures.

“ CASELLA.”

No. 46.—*Mr. Elliot to Lord J. Russell.*—(*Received November 24.*)
 MY LORD, *Naples, November 12, 1859.*

I HAVE the honour to inclose the copy and translation of a circular of the Minister of the Interior to the Intendants of the Provinces, calling upon them to exercise greater vigilance in the execution of their duty, so that good laws may not continue to be a dead letter through the negligence of those whose business it is to administer them.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

(*Inclosure.*)—*Circular addressed by the Minister of the Interior to the Intendants of Provinces.*

(*Translation.*) *Secretary of State's Office for the Interior.*

It is undeniable that our legislative and administrative organization, which for the last half century has contributed to the increasing prosperity of our Kingdom, leaves but little to be desired. But unfortunately the intentions of the Government are neutralized by the neglect and laxity of those whose duty it is to execute them; and thus good laws, improperly administered, become a dead letter, and the good intentions of the legislator are oftentimes misunderstood or improperly carried out.

If, on the one hand, the paternal foresight of the King our master generously comes forward in alleviation of scarcity, in encouraging public works, and in every kind of moral, economical, and material improvement of the Kingdom; and if, in order to extend the operation of these beneficial acts, he has by well-understood laws caused the burden of taxation to be distributed more equally, so as to afford greater facilities to the poorer classes for obtaining the means of gaining their livelihood; and to restore to the "*decurioni*" (communal authorities) the free administration of the domestic economy of the commune,—on the other hand the duties of the public functionaries must necessarily be increased in order that they may carry out carefully and promptly such vast and salutary resolutions.

The public administration exists and is nourished by its own action; therefore it behoves us not only to direct, but also to take care to watch carefully in order that their aim is carried out,—that the responsibility of a functionary be extended, and should embrace not only the order, but also the execution.

It will be therefore necessary for the future to see that an active and continuous vigilance take the place of the noxious system of writing an immense mass of letters and correspondence, which, occupying the greater portion of the time of the agents of the Public Administration and of the officials connected therewith, has hitherto

are not the less responsible for any deficiency or inexactitude on the part of your subordinates in carrying out these views. You must not only scrupulously see that they strictly and promptly fulfil the orders communicated within the sphere of their respective powers, but you must also closely scrutinize their conduct in every emergency, and see how they carry out the duties incumbent upon them. From this much benefit will result to the public weal and to the service of the King our Sovereign, and there will be an opportunity of ascertaining what functionaries should be rewarded and who are deserving of punishment; for the condonement of faults, and a misunderstood and inopportune compassion has been and ever will be the social evil that dries up every germ of public and private good. With this understanding, after acknowledging the receipt of this despatch, it will be your duty to keep me periodically informed of the state of affairs in your respective provinces in a moral, economical, and material point of view, the manner in which the superior orders are executed in the different branches of the service, what are the abuses to be corrected, and what the provisions to be adopted. And, confiding in your zeal and loyalty, I trust that you will hasten the fulfilment of the above orders, so that the generous intentions of the King our master may become a reality, and not merely a vague anticipation.

The Director,

ACHILLE ROSICA, *Director.*

No. 48.—Mr. Elliot to Lord J. Russell.—(Received November 24.)
MY LORD, *Naples, November 18, 1859.*

I INQUIRED yesterday of M. Carafa what were the intentions of the Neapolitan Government in the event of the assembling of a Congress for the consideration of the affairs of Italy—a question which I had already put to his Excellency on previous occasions without extracting any definite answer.

Yesterday, however, he stated, without reserve, that, if he received an invitation, the King would not hesitate to take part in a Congress, but that His Majesty would never consent to the discussion of matters relating to the internal affairs of this Kingdom.

I inquired if the King and his Excellency were not convinced that it would not be possible to maintain at Naples the present system of absolutism if the rest of Italy was put into the enjoyment of free institutions, and whether they did not consider it would be more dignified and more prudent, to avoid the dangers which

threaten, by a voluntary adoption of reforms which appear to become indispensable.

M. Carafa declared in reply that the Government of the King were convinced that no change in their institutions was advisable, and that they were resolved to maintain them, merely endeavouring to improve the administration of the laws, and to develop the resources of the kingdom; that His Majesty and his Ministers consider themselves the proper judges of the requirements of the country, and could not admit the right of a Congress or of foreign nations to occupy themselves about them.

I told M. Carafa that I much regretted to hear that it was the intention of the Government to resist all progress; but that at all events, as he took such a lofty tone with regard to the Congress interfering with their domestic affairs, I hoped he would support the same principle if it should chance to be advocated in favour of the Governments of the Central Duchies.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 49.—Lord J. Russell to Mr. Elliot.

SIR,

Foreign Office, November 28, 1859.

FROM your despatch of the 1st instant, it appears that the Decree respecting the "attendibili," upon which the people of the Kingdom of Naples founded such hopes, and which was considered the forerunner of a better state of things, was nullified immediately after its publication by a circular from the Minister of Police.

The assurances given from the highest quarters that the class of "attendibili" was set free from the odious restrictions placed upon them, appear thus to have been falsified by a subordinate Minister.

Of course, we can no longer rely on any promises that may be given, or even upon any Decrees that may be issued in the name of the King.

It appears that in the Kingdom of the Two Sicilies the authority of the law is entirely set aside, and nothing prevails but that vague and uncertain arbitrary power which is justly said to be the sign of a miserable servitude.

There appear to be some apprehensions that Her Majesty's Government will interfere in the Congress to procure some amendment in the internal condition of Naples. There are, however, conclusive reasons why we should not do so.

If the proposed reforms were to be introduced by foreign force, such an intervention would be in contradiction to the principles professed by Her Majesty's Government. If, on the other hand, the object were to obtain promises from the Neapolitan Government by moral influence, we might be quite sure, from former and recent

experience, that the Neapolitan Government would not hold itself bound to the performance of such promises, however solemn.

I have only further to assure you that Her Majesty's Government entirely approve of the course you took respecting the arrests, and are rejoiced that the persons then arrested were set free.

I am, &c.

H. Elliot, Esq.

J. RUSSELL.

No. 53.—Mr. Elliot to Lord J. Russell.—(Rec. January 14, 1860.)

MY LORD,

Naples, December 28, 1859.

IN conversation with Prince Satriano and M. Carafa, I have taken the opportunity of expressing the deep regret with which I saw the fresh evidence of the determination of the Neapolitan Government to set their own laws at defiance, exhibited by the late arbitrary imprisonment of M. Pandola and others.

Both these Ministers assured me that Pandola had been distributing portraits of Agesilao Milano, who attempted the late King's life 3 years ago, and that they had witnesses who positively affirmed that they had received them from him.

I said that I assuredly felt no sympathy for any one who took an assassin for his hero, or distributed pictures of him; but that neither I nor the public would look upon a man as guilty till his guilt had been fairly proved, and that if a person is to be arbitrarily and indefinitely imprisoned without being confronted with his accusers and the witnesses against him, or without even being informed of the crime he is accused of, it is something so like a relapse to the old system which used to prevail at Venice as to be entirely repugnant to the feelings of the age.

M. Carafa admitted that there could be no excuse for keeping Pandola longer in prison without trial than was necessary to collect the evidence against him; but Prince Satriano told me that the police were afraid to bring the affair to a trial, from the conviction that any witness deposing to having received a picture of Milano from the prisoner would be certain of being assassinated.

It is needless to point out to your Lordship the total want of security in which every one here must live, if it is admitted that, under any circumstances, they are liable to be imprisoned without being allowed an opportunity of clearing themselves.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 54.—Lord J. Russell to Mr. Elliot.

(Extract.)

Foreign Office, January 16, 1860.

It may be as well to explain still further to Prince Satriano, and through him to the King, the policy of the British Government.

Your language to his Excellency on this subject is entirely

approved by Her Majesty's Government. We wish well to the Neapolitan dynasty. We have no desire to interfere with the internal government of Naples and Sicily. But we cannot blind ourselves to some obvious truths. It is evident that the commonest rules of justice are not observed by the King of Naples towards his subjects; that the exasperation caused by oppression is the parent of plots, assassinations, conspiracies, and insurrections; that Her Majesty's Agents and Consuls, while they religiously abstain from taking a part in such plots, have had convincing evidence of their existence.

Should such conspiracies endanger the throne of His Sicilian Majesty, Her Majesty's Government can only lament the blindness which afflicts his Council. But Her Majesty's Government will neither accept any part of their responsibility, nor undertake to ward off the consequences of a mis-government which has scarcely a parallel in Europe.

The reforms necessary require no elaborate machinery or profound meditation. Let the Neapolitan Government arrest no man without bringing him to trial face to face with his accusers. Let them subject no man to injurious restrictions without proof of some crime or offence against public order; let the law, as it stands, be equally applied to all. With these simple but broad changes, a beginning would be made; popular institutions might follow; time for deliberation would be gained, and the Government might even obtain a reputation for justice and honesty. But the course at present pursued can only lead to destruction.

You will speak to Prince Satriano in the sense of this despatch, and also to M. Carafa if he should raise the question with you.

H. Elliot, Esq.

J. RUSSELL.

*No. 56.—Mr. Elliot to Lord J. Russell.—(Received February 8.)
(Extract.)* *Naples, January 31, 1860.*

I HAVE the honour to inclose herewith the copy and translation of a secret circular from the Director of Police to the Intendenti of the Provinces, which is well worthy of your Lordship's attention as affording an admirable exemplification of the system upon which the internal government of the Kingdom of the Two Sicilies is at present conducted.

The police of this country have not usually been considered backward in dealing with political offenders, but the object of the present circular, dated the 29th of December last, is to stimulate them to still greater activity; and it directs them "without the slightest hesitation" to arrest not only all political delinquents, but also all those against whom there are even grounds for suspicion.

The circular concludes by significantly informing the intendants

Your Lordship may be disposed to question the genuineness of the document, as I was myself at first inclined to do ; but I have been enabled to ascertain its authenticity in a manner that admits of no doubt.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—Circular addressed by the Director of Police to the Intendants of Provinces.

MR. INTENDANT, (Translation.) *Naples, December 29, 1859.*

ALTHOUGH, owing to the provident and paternal care of the Royal Government, public order is preserved unaltered throughout the Kingdom, nevertheless a party, as bold as it is powerless in the face of such invincible principles, endeavours in vain, by the shallow pretext of some clandestine print, or by tri-coloured tokens, to seduce the great mass of the people, which shows itself more and more devoted and faithful to our adored Sovereign (D.G.). The said subversive faction, as it sees the failure of its foolish and impious hopes (knowing well that the end of the lamentable drama which has disturbed other regions is at hand), does not fail to attempt extreme and desperate efforts, proceeding to acts which one is at a loss whether to call wicked or ridiculous.

Thus much premised, it is absolutely necessary that an end should be put to such infernal machinations, by the public functionaries carrying out their duties with zeal and self-denial, exercising a continued and well-understood vigilance, and proceeding without the least hesitation to arrest any one who may afford grounds of guilt, and even of simple suspicion.

I am sure that you will treasure up these instructions, tending to a matter which so nearly concerns the interests of the Royal Government, and I await such results as will prove by deeds that you are effectually interested in them. The Director,

AJOSSA.

No. 57.—Mr. Elliot to Lord J. Russell.—(Received February 20.)

MY LORD, *Naples, February 14, 1860.*

I HAVE the honour to inclose a list of the names of 53 persons published last night in the official paper, whose petitions to be allowed to return to this Kingdom have been acceded to by the King.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

(Inclosure.)—*List of Persons permitted to return to the Kingdom of Naples.*

No. 59.—*Mr. Elliot to Lord J. Russell.*—(Received March 2.)
(Extract.) *Naples, February 20, 1860.*

THIS morning, M. Carafa entered freely and willingly into conversation upon the internal state of the country, and I then took the opportunity of conveying to him the substance of your Lordship's despatch of January 16th, which he listened to without impatience, saying he gave Her Majesty's Government full credit for desiring nothing but the prosperity of the Kingdom and the maintenance of the dynasty.

He said he would even go further, and admit that there was great truth in much of what your Lordship said, but that Her Majesty's Government were not aware of the difficulties in the way of the introduction of any changes in this country.

Lord J. Russell.

HENRY ELLIOT.

No. 60.—*Mr. Elliot to Lord J. Russell.*—(Received March 8.)
MY LORD, *Naples, March 2, 1860.*

A SHORT time ago I forwarded to your Lordship a copy of a circular from the Minister of Police directing the Intendants to arrest, without hesitation, the person against whom there might be even simple grounds for suspicion.

The Government have now shown themselves determined to go a step further, and yesterday proceeded to arrest men upon whom no suspicion of taking part in any conspiracy can fall.

Of the number of persons arrested I can give your Lordship no accurate information, though I am told they were numerous in the middle and lower classes, but among my own friends or acquaintances, and belonging to the highest families, I can count 5 who have either been actually arrested or else have found safety in concealment; these are: the Prince Torella; the Marquis de Bella, brother to Prince Torella; Prince Camporeale; Duke Preto; Marquis Vulcano.

Prince Torella received a letter desiring him to attend at the Prefecture of Police, which he did, nothing doubting, and was there told to consider himself under arrest, and to have his preparations made for leaving the Kingdom the following morning. He made no resistance, but asked leave to be allowed to return home to make his preparations, and to take leave of a very aged mother; but this indulgence was refused him, nor could he obtain any information with regard to the crime imputed to him.

The arrest, however, of the Prince, and the universal conviction that no justification could be given for it, produced so great an effect

but it has been conveyed to him that he must leave the country.

Prince Camporeale likewise succeeded in hiding himself, but he has since been allowed to return home; and, in his case, like that of Prince Torella, the order for the arrest is now said to be a mistake.

Duke Proto and Marquis Vulcano have been arrested and ordered into exile without trial or examination.

There are likewise two Marquises Monte Rossi, and the MM. Vacca, De Simone, and two De Philippe, summarily ordered into exile. Of the two last named gentlemen, one is a lawyer, and the other an employé of the Government, and both leave behind them families depending entirely upon them for their means of subsistence, and who will now be left penniless and dependent upon charity.

During the afternoon and night of yesterday the town was patrolled, and the troops kept under arms, but no sort of disturbance took place, though the Government affirm that they had positive proof that there was to be a dangerous demonstration, and that a seditious handbill had been posted up.

Whatever evidence may be sufficient to satisfy the Government of the existence of plots or conspiracies, it is certain that the proofs are not such as would bear the light; but the denunciations of spies are received as conclusive, and the accused are summarily ordered into banishment untried and unheard.

I will inform your Lordship, by the messenger on Tuesday, of the steps I have taken with the hitherto vain hope of inducing the Government to pause in a course which, if persisted in, must finally lead to the destruction of the King and of his dynasty.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 61.—Mr. Elliot to Lord J. Russell.—(Received March 13.)

MY LORD,

Naples, March 3, 1860.

I TOOK the earliest opportunity of seeing M. Carafa to inquire the cause of the arrests mentioned in my despatch of yesterday's date, and to ask whether the country was in so eminently critical a state as to call for such extreme measures, directed against men who could scarcely be seriously suspected of conspiracy or treason.

M. Carafa repeated, as he has so often done before, that the Government felt no uneasiness, but that they had received undoubted information of the intention of the partizans of annexation

to Sardinia of making a demonstration which it would have been necessary to suppress by force; and that to avoid bloodshed, the preventive measures which I had alluded to had been taken; and his Excellency triumphantly pointed to the tranquillity with which the day had passed as conclusive evidence in favour of the course adopted.

I said, that of course if the Government had the proof which he said they possessed, of a conspiracy to violate the law, they could not be blamed for arresting the persons implicated; but I trusted there was no truth in the report that those persons, instead of being openly brought to trial, where their guilt or innocence might be proved in the face of day, were to be summarily transported or exiled without trial or examination.

To my regret, however, M. Carafa replied that such was the decision of the Government; for that although they had proofs sufficient to satisfy themselves of the guilt of the persons arrested, the evidence was not such as would procure a conviction in a court of justice.

"In plainer words," I answered, "you have resolved to accept as conclusive the denunciations of spies whom you dare not bring face to face with the accused." And this, without apparent shame, M. Carafa frankly admitted to be the state of the case; repeating, that he was aware they could not procure a legal conviction, but that they had no doubt whatever of the guilt of the accused.

I asked whether he or any one else could believe that a man like Prince Torella would be a leader in a seditious but childish demonstration; and he at once replied that he did not believe it, and that the Prince's arrest had been an "error," which was speedily remedied.

I begged M. Carafa not to talk of a man in Prince Torella's position being arrested by mistake; for that the only "error" which was evident was a miscalculation of the effect upon the public which had been produced by the arrest.

I asked whether Prince Camporeale, who had concealed himself, was a dangerous character, and with regard to him I was told that I might convey to him the assurance that he might return home without being molested.

I then said that the Marquis de Bella had been told that if he gave himself up he should receive passports for the frontier, but that he dared not put himself in the hands of the police, as innocence no longer protected a man from punishment in a country where he is not allowed to disprove the charges brought against him; and M. Carafa empowered me to convey to him the promise that he would be allowed to leave the country.

I used all the arguments in my power to persuade the Govern-

as I felt convinced that the destruction both of His Majesty and of the dynasty is inevitable unless wiser counsels are listened to, I would beg him to request for me the honour of an audience in order that when the catastrophe arrives I may not have upon my conscience the reflection that I had not done all in my power to save an inexperienced Sovereign from impending ruin.

M. Carafa promised to convey my request to the King, but I have not yet received an answer.

The French and Spanish Ministers have held the same language as myself.

I have, &c.

Lord J. Russell.

HENRY ELLIOT.

No. 62.—Lord J. Russell to Mr. Elliot.

SIR,

Foreign Office, March 19, 1860.

HER Majesty's Government approve the step taken by you, as reported in your despatch of the 3rd of March, to ask an audience of the King with a view of doing all in your power to save an inexperienced Sovereign from impending ruin.

It is not probable, nor is it, indeed, to be desired that the Government of the Two Sicilies should continue for any long time to form a marked contrast to the Government of Northern and Central Italy.

It is, therefore, the obvious interest of the King of the Two Sicilies to endeavour to gain the affections of his people by attention to their welfare, and by respecting the principles of law and of justice in his treatment of suspected persons.

I am, &c.

Hon. H. Elliot.

J. RUSSELL.

INDEX.

	Page
ACT. <i>See</i> NEW BRUNSWICK.	
ACTS OF CONGRESS. <i>See</i> UNITED STATES.	
ACTS OF PARLIAMENT. <i>See</i> GREAT BRITAIN.	
ADDITIONAL CONVENTIONS. <i>See</i> TREATIES.	
ADDRESS (Yucatan). <i>Constitution of 1841</i> .....Merida, 31st March, 1841.	1111
AFRICA (WEST COAST). <i>Correspondence with Great Britain. Slave Trade.</i>	
	1860. 963
AGREEMENTS. <i>See</i> TREATIES.	
AGUAN RIVER. <i>Contract. Honduras and North American "Agricultural and Navigation Company." Navigation of River Aguan, &c.</i>	
	Comayagua, 22nd February, 1859. 907
..... <i>Decree (Honduras). Promulgation of Ditto.</i>	
	Comayagua, 20th February, 1860. 907
ALABAMA. <i>Ordinance. Dissolution of Union with United States of America</i> .....Montgomery, 11th January, 1861.	895
<i>See also</i> UNITED STATES.	
ALBANIA. <i>Notification. (British). Turkish Blockade.</i>	
	London, 22nd April, 1861. 529
ALEXANDRIA AND MALTA TELEGRAPH. <i>See</i> TELEGRAPH.	
ALICE MAUD MARY, PRINCESS. <i>Act of Parliament. (Great Britain.) Annuity.</i> .....17th May, 1861.	1139
ANHALT-BERNBURG. <i>Treaty with China, &c. Friendship. Commerce. Navigation</i> .....Tien-Tsin, 2nd September, 1861.	1248
ANHALT-DESSAU-CÖTHEN. <i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	
	Tien-Tsin, 2nd September, 1861. 1248
ARAPAHOE INDIANS. <i>Treaty with United States. Cession.</i>	
	Fort Wise, 18th February, 1861. 500
ARGENTINE CONFEDERATION. <i>Treaty with Buenos Ayres. Union.</i>	
	Paraná, 6th June, 1860. 904
ARKANSAS. <i>Ordinance. Dissolution of Union with the United States of America</i> .....6th May, 1861.	900
<i>See also</i> UNITED STATES.	
ATLANTIC AND PACIFIC OCEANS. <i>Contract. Nicaragua and American Atlantic and Pacific Maritime Canal Company. ("Central American Transit Company.")</i>	
	Managua, 2nd April, 1860. 914
..... <i>Law (New Granada.) Excavation of a Navigable Canal between the two Oceans</i> .....Bogotá, 6th May, 1859.	1109

	<i>States. Maritime Rights in time of War. Privateering. Neutral Trade</i>	1861.	78
.....	<i>Decree (Saxony). Agreement with Austria. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria which do not form part of Germanic Confederation. Extradition of Political and other Criminals.</i>		
	Dresden, 16th January, 1855.		276
.....	<i>Protocol of Conference with Turkey, &c. Administration of the Lebanon</i>	Pera, 9th June, 1861.	287
	<i>Protocols of Conferences with Turkey, &c. Armed Intervention of European Powers for the Restoration of Tranquillity in Syria.</i>		
	Paris, August, 1860—May, 1861.		278
.....	<i>of Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.</i>		
	Beyrout, October, 1860—May, 1861.		293
.....	<i>TREATIES, &c., with FOREIGN POWERS, viz. :—with</i>		
.....	<i>Hanover, &c. Treaty. Redemption of Stade Toll.</i>		
	Hanover, 22nd June, 1861.		27
	<i>Protocols. Do.</i>		
	Hanover, 19th, 22nd June, 1861.		32
.....	<i>Saxony. Agreement. Extradition of Political and other Criminals.</i>		
	Dresden, 28th December, 1854.		276
.....	<i>Turkey, &c. Convention. Prolonged Occupation of Syria.....</i>	Paris, 19th March, 1861.	9

B.

BADEN.	<i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>		
	Tien-Tsin, 2nd September, 1861.		1248
BAHAMA ISLANDS.	<i>Correspondence. Great Britain, and United States. Belligerent Vessels not to be allowed to enter Ports of the Bahamas, except by Special Leave.</i>		
	31st January, 1862.		265
BAVARIA.	<i>Correspondence with Great Britain. Affairs of Duchies of Schleswig and Holstein</i>	1861.	809
.....	<i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>		
	Tien-Tsin, 2nd September, 1861.		1248
BELGIUM.	<i>Correspondence with The United States. Civil War in America. Non-Recognition of so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade</i>	1861.	74

	Page
BELGIUM. <i>Declaration. Arrest of Seamen Deserters from British Ships in Belgian Ports.</i>	
..... London, 24th January, 1855.	913
..... <i>Decree (French). Promulgation of Treaty of Commerce of 1st May, 1861 ...Paris, 27th May, 1861.</i>	698
..... (Do.) <i>Promulgation of Convention of Navigation of 1st May, 1861....Paris, 27th May, 1861.</i>	735
..... (Do.) <i>Declaring Provisions of Treaty of Commerce with Belgium of 1st May, 1861, to be applicable to Great Britain.</i>	
..... Paris, 29th May, 1861.	741
..... <i>Notification against Privateering</i>.....25th June, 1861.	78
..... <i>Speech of King. Opening of Chambers.</i>	
..... Brussels, 12th November, 1861.	531
..... TREATIES, &c., with FOREIGN POWERS, viz. :—with	
..... <i>France. Treaty. Commerce.</i>	
..... Paris, 1st May, 1861.	698
..... <i>Tariff. Do.</i>	708
..... (Do.) <i>Convention. Navigation.</i>	
..... Paris, 1st May, 1861.	735
..... <i>Great Britain. [The Provisions of the Treaty of Commerce between Belgium and France of 1st May, 1861, were declared to be applicable to Great Britain by the French Decree of 29th May, 1861]</i>	741
..... <i>Hanover, &c. Treaty. Redemption of Stade Toll.</i>	
..... Hanover, 22nd June, 1861.	27
..... <i>Protocols. Do.</i>	
..... Hanover, 19th, 22nd June, 1861.	32
..... <i>Hanover. Convention. Stade Toll.</i>	
..... Hanover, 18th February, 1861.	844
..... <i>Mexico. Treaty. Friendship. Commerce. Navigation</i> .....Mexico, 20th July, 1861.	1148
..... <i>Turkey. Treaty. Commerce. Navigation.</i>	
..... Constantinople, 10th October, 1861.	1156
BELLIGERENTS. Letter. (Great Britain). Rights in British Ports.	
..... 31st January, 1862.	265
..... <i>See also MARITIME RIGHTS.</i>	
BLOCKADE. (Sardinian.) Gaeta. British Notification.	
..... London, 6th February, 1861.	527
..... (Do.) <i>Gaeta, raised. British Notification.</i>	
..... London, 22nd February, 1861.	528
..... (Do.) <i>Citadel of Messina and neighbouring Ports. British Notification.</i>	
..... London, 8th March, 1861.	529
..... (Turkish.) <i>Coasts of Albania. British Notification.</i>	
..... London, 22nd April, 1861.	529
..... (United States.) <i>Proclamation. Blockade of Ports of Confederate States (South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas).</i>	
..... Washington, 19th April, 1861.	185

(Do.)	Correspondence. Great Britain and United States. Blockade of Southern Ports of United States	13th June, 1861. 207 1860—1862. 173
BONDHOLDERS.	Correspondence. Great Britain and Mexico. Robbery of Specie from British Legation	1860, 1861. 548
BOUNDARIES.	Convention. France and Sardinia. Boundaries. Turin, 7th March, 1861. 685	
.....	Decree (French). Promulgation of Convention with Sardinia of 7th March, 1861. Paris, 31st March, 1861. 685	
BRAZIL.	Correspondence with Great Britain. Slave Trade.....	1860. 964
.....	Decree (French). Promulgation of Consular Convention of 10th December, 1860.....	Paris, 17th March, 1861. 676
.....	Speech of Emperor. Opening of Legislative Assembly. Rio de Janeiro, 12th May, 1860. 1284	
.....	TREATIES, &c. with FOREIGN POWERS, viz. :—with	
.....	France. Convention. Consular. Rio de Janeiro, 10th December, 1860. 676	
.....	Hanover, &c. Treaty. Redemption of State Toll. Hanover, 22nd June, 1861. 27	
.....	Protocols. Do. Hanover, 19th, 22nd June, 1861. 32	
BREMEN.	Ordinance of Senate against Privateering. Bremen, 2nd July, 1861. 1138	
.....	Treaty with China, &c. Friendship. Commerce. Navigation. Tien-Tsin, 2nd September, 1861. 1248	
BRUNSHAUSEN TOLL.	See STATE TOLL.	
BRUNSWICK.	Treaty with China, &c. Friendship. Commerce. Navigation. Tien-Tsin, 2nd September, 1861. 1248	
BUENOS AYRES.	Treaty with Argentine Confederation. Union. Paraná, 6th June, 1860. 904	

C.

CANADA.	Correspondence. Great Britain and United States. Proceedings of Confederate Agents in Canada. Enlistment in Canada of men to serve in United States Army. Pursuit of Deserters from United States into Canadian territory, 1860—1862. 173	
CAROLINA.	See NORTH CAROLINA. SOUTH CAROLINA.	
CHEYENNE INDIANS.	Treaty with United States. Cession. Fort Wise, 18th February, 1861. 500	
CHILE.	Convention with France. Extradition. Santiago, 11th April, 1860. 694	

	Page
CHILE. <i>Correspondence with The United States. Civil War in America.</i>	
<i>Non-Recognition of the so-called Confederate States.</i>	
<i>Maritime Rights in time of War. Privateering.</i>	
<i>Neutral Trade</i>	1861. 181
..... <i>Decree (French). Promulgation of Extradition Convention of</i>	
11th April, 1860	Paris, 15th May, 1861. 694
..... <i>Message of President. Opening of National Congress.</i>	
	Santiago, 1st June, 1859. 538
CHINA. <i>Decree (French). Promulgation of Treaty of Friendship, Commerce,</i>	
<i>and Navigation of 27th June, 1858; and of</i>	
<i>Additional Convention of Peace of 25th October, 1860.</i>	
	Paris, 12th January, 1861. 636
..... <i>(Spanish). Rules. Introduction of Chinese Labourers</i>	
<i>into Island of Cuba</i>	Madrid, 6th June, 1860. 1038
..... TREATIES, &c., between FOREIGN POWERS, viz. :— with	
..... <i>France. Treaty. Friendship. Commerce. Navigation</i>	Tien-Tsin, 27th June, 1858. 637
<i>Separate Articles. Indemnities, &c.</i>	
	Tien-Tsin, 27th June, 1858. 651
<i>Tariff of Imports and Exports</i>	654
<i>Commercial Regulations.</i>	
	Shanghai, 24th November, 1858. 662
..... <i>(Do.) Additional Convention. Peace. Friendship.</i>	
<i>Indemnities, &c.</i>	Pekin, 25th October, 1860. 668
..... <i>Prussia, &c. Treaty. Friendship. Commerce.</i>	
<i>Navigation</i>	Tien-Tsin, 2nd September, 1861. 1248
..... <i>(Do.) Tariff of Imports and Exports</i>	1258
..... <i>(Do.) Commercial Regulations</i>	1266
CIRCULAR. <i>See CORRESPONDENCE. UNITED STATES.</i>	
CIVIL WAR. <i>Correspondence. Austria, &c., and United States. Civil War</i>	
<i>in United States</i>	1861. 65
..... <i>Great Britain and United States. Civil</i>	
<i>War in United States</i>	1860—1862. 173
..... <i>Decree (Mexico). Payment of Claims arising out of Civil War</i>	
<i>in Mexico</i>	Vera Cruz, 17th December, 1860. 617
CLAIMS. <i>Correspondence. Great Britain and Mexico. British Claims on</i>	
<i>Mexico</i>	1860—1861. 548
..... <i>Decree (Mexico). Payment of Claims arising out of Civil War in</i>	
<i>Mexico</i>	Vera Cruz, 17th December, 1860. 617
COAL. <i>Letter. (Great Britain.) Supply of Coal to Belligerents.</i>	
	31st January, 1862. 263
CONFEDERATE STATES. <i>Correspondence. Great Britain and United States.</i>	
<i>Non-Reception by Great Britain of Commissioners.</i>	
	1860—1862. 173
<i>See also UNITED STATES.</i>	
CONFERENCE. <i>See CONGRESS.</i>	
CONGRESS. <i>Correspondence. Great Britain and France. Proposed Congress</i>	
<i>of Great Powers of Europe. Settlement of Affairs</i>	
<i>of Italy and other European Questions</i>	October, 1848. 672
CONSTITUTION. <i>Confederate States of America. Provisional.</i>	
	Montgomery, 8th February, 1861. 871
..... <i>Confederate States of America.</i>	
	Montgomery, 11th March, 1861. 879

	Page
CONSTITUTION. <i>Hamburg</i>	Hamburg, 28th September, 1860. 1164
..... <i>United States</i>	17th September, 1787. 858
..... (Do.) <i>Amendments</i>	1791—1804. 868
..... <i>Yucatan</i>	Merida, 31st March, 1841. 1113
CONSULS. <i>Convention. Brazil and France.</i>	
	Rio de Janeiro, 10th December, 1860. 676
CONTRABAND OF WAR. <i>Customs Circular. (United States). Vessels attempting to carry Munitions of War to Seceded States</i>	Washington, 2nd May, 1861. 196
CONTRACTS. <i>See HONDURAS, NICARAGUA.</i>	
CONVENTIONS. <i>See TREATIES.</i>	
CORRESPONDENCE. <i>Great Britain and Denmark, &c. Affairs of Schleswig and Holstein</i>	1861. 809
..... <i>Great Britain and France. Proposed Congress of Great Powers of Europe for Settlement of Affairs of Italy and other European Questions</i>	October, 1848. 672
..... <i>Great Britain and Greece. Greek Loan</i>	1859—1861. 1276
..... <i>Great Britain and Mexico. British Claims on Mexico. Temporary withdrawal of British Mission from City of Mexico to Jalapa. Robbery of Specie belonging to British Bondholders from British Legation.</i>	1860, 1861. 548
..... <i>Great Britain and Sardinia. Prosecution, by Authorities in Island of Elba, of a British Subject (Mr. G. G. Watson Taylor) for alleged act of Sedition. Plunder of Island of Monte Cristo, belonging to Mr. Taylor, by followers of General Garibaldi in British Steamer "Orwell"</i>	1860, 1861. 748
..... <i>Great Britain and Saxony. Arrest by Saxon Government of Hungarian Refugee (Count Tékely) and his Surrender to Austrian Government</i>	1860, 1861. 270
..... <i>Great Britain and Sicilies. Renewal of Diplomatic Relations. Internal Affairs of Kingdom of Naples.</i>	1859, 1860. 1329
..... <i>Great Britain and United States. Free Navigation of River St. John, under Article III of Treaty of 9th August, 1842</i>	1844, 1845. 934
..... <i>Great Britain and United States. Civil War in United States of North America. Proposed Recognition of the so-called Confederate States. Non-reception by Great Britain of Commissioners from Southern States. Proceedings of Confederate Agents in Canada. Enlistment in Canada of Men to serve in United States' Army. Arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming). Pursuit of Deserters from United States into Canadian Territory. Reception of Confederate Vessels in British Ports. Privateering. Blockade of Southern Ports. Neutrality of Great Britain. Non-admission of Armed Vessels or Privateers with Prizes into British Ports. Cases of the "Peerless," "Winifred," "Peter Marcy," "Tropic Wind," and "Sumter."</i>	1860—1862. 173

	Page
CORRESPONDENCE. <i>United States and Austria, &c. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade</i>	1861. 65
..... <i>United States and Netherlands. Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter."</i>	1861. 137
..... <i>United States and Yucatan. Independence of Yucatan. Neutrality in War between United States and Mexico. Offer of Sovereignty of Yucatan to United States.</i>	1847, 1848. 1184
..... relative to the <i>Slave Trade</i> , 1860. See SLAVE TRADE.	
COTTON. <i>Act (Confederate States). Prohibition to Export Cotton, except through Southern Sea Ports</i>	21st May, 1861. 200
CRIMINALS, <i>Surrender of.</i> See EXTRADITION.	
CUBA. <i>Decree (Spanish). Introduction of Chinese Labourers into Island of Cuba</i>	Madrid, 6th June, 1860. 103d

D.

DARIEN. <i>Decree (New Granada). Grant of an exclusive Privilege to a private Company to open Canal between Gulf of San Miguel and Caledonia Bay</i>	Bogotá, 1st June, 1852. 1268
..... <i>Law (New Granada). Exploration of Isthmus of Darien.</i>	Bogotá, 6th May, 1859. 1109
DECLARATIONS. See BELGIUM. FRANCE. PARAGUAY. SPAIN. UNITED STATES. TREATIES.	
DECREE (French). <i>Promulgation of Treaty of Friendship, Commerce, and Navigation of 27th June, 1858; and of Additional Convention of Peace of 25th October, 1860, with China</i>	Paris, 12th January, 1861. 636
..... <i>Promulgation of Treaty with Monaco, of 2nd February, 1861. Cession of Mentone and Roquebrune to France</i>	Paris, 13th February, 1861. 673
..... <i>Promulgation of Consular Convention with Brazil of 10th December, 1860</i>	Paris, 17th March, 1861. 676
..... <i>Publication of Declaration of 25th March, 1861, with Switzerland. Export of Salt.</i>	Paris, 27th March, 1861. 683
..... <i>Promulgation of Boundary Convention with Sardinia of 7th March, 1861</i>	Paris, 31st March, 1861. 685
..... <i>Promulgation of Extradition Convention with Chile of 11th April, 1860</i>	Paris, 15th May, 1861. 694
..... <i>Promulgation of Treaty of Commerce with Belgium of 1st May, 1861</i>	Paris, 27th May, 1861. 69
..... <i>Promulgation of Convention of Navigation with Belgium of 1st May, 1861</i>	Paris, 27th May, 1861. 735
..... <i>Declaring Provisions of Treaty of Commerce with Belgium of 1st May, 1861, to be applicable to Great Britain</i>	Paris, 29th May, 1861. 741
..... <i>Promulgation of Treaty of Commerce with Turkey of 29th April, 1861</i>	Vichy, 14th July, 1861. 742

DECREES (<i>Honduras</i>).	<i>Promulgation of Contract of 22nd February, 1859, with North American "Agricultural and Navigation Company." Navigation of Rivers Aguan, Tinto, and Patook. Colonization in Department of Olancho</i> ....Comayagua, 20th February, 1860.	907
..... (<i>Mexican</i>).	<i>Promulgation of Agreement with Yucatan of 14th December, 1843. Re-Incorporation of Yucatan, with Mexican Republic</i> .....Mexico, 15th December, 1843.	1271
..... (Do.)	<i>Religious Liberty, and Religious Reforms. (Marriages, &c.)</i> .....Vera Cruz, 4th December, 1860.	620
..... (Do.)	<i>Payment of Claims arising out of Civil War.</i> Vera Cruz, 17th December, 1860.	617
..... (Do.)	<i>Civil Marriage Law</i> .....Mexico, 29th December, 1860.	625
..... (<i>New Granada</i> .)	<i>Exclusive privilege to a private Company to open a Canal between the Gulf of San Miguel and Caledonia Bay (Isthmus of Darien)</i> .....Bogotá, 1st June, 1852.	1238
..... (<i>Paraguay</i> .)	<i>Declaring Persons born in Territory of Republic to be Paraguayan Citizens.</i> Assumption, 10th July, 1856.	1110
..... (<i>Portugal</i>).	<i>Against Privateering</i> .....Lisbon, 29th July, 1861.	130
..... (<i>Saxony</i>).	<i>Publication of Resolution of German Diet of 18th August, 1836. Extradition of Political Criminals within Territory of Germanic Confederation.</i> Dresden, 15th October, 1836.	273
.....	<i>Publication of Resolution of German Diet of 26th January, 1854. Extradition of Criminals within Territory of Germanic Confederation.</i> Dresden, 27th February, 1854.	274
.....	<i>Agreement with Austria. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria which do not form part of Germanic Confederation. Extradition of Political and Ordinary Criminals.</i> Dresden, 10th January, 1855.	276
..... (<i>Sicilies</i>).	<i>Redemption by Government of Articles pledged by the Poor in the Mont de Piété.</i> Capodimonte, 15th June, 1859.	1333
..... (Do.)	<i>Amnesty to Political Offenders.</i> Capodimonte, 16th June, 1859.	1331
..... (Do.)	<i>Removal of Disabilities for Political Offences.</i> Capodimonte, 16th June, 1859.	1332
..... (Do.)	<i>Commutation of Criminal Offences.</i> Capodimonte, 16th June, 1859.	1332
..... (Do.)	<i>Permission to Exiles to return to Naples.</i> Capodimonte, 16th June, 1859.	1336
..... (<i>Spain</i>).	<i>Introduction of Chinese Labourers into Island of Cuba.</i> Madrid, 6th June, 1860.	1038
.....	<i>Neutrality during Civil War in The United States.</i> Madrid, 7th June, 1861.	97
..... (<i>Yucatan</i>).	<i>Powers of Government.</i> Mexicanu, 14th January, 1848.	1218

See also LAW.

	Page
DELAWARE INDIANS. <i>Treaty with United States. Division of Lands.</i>	
Sarcoxiaville, 30th May, 1860.	493
..... <i>Treaty with United States. Construction of Rail- way</i> Leavenworth, 2nd July, 1861.	507
DENMARK. <i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i> 1861.	809
..... <i>with The United States. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade</i> 1861.	102
..... <i>Notification of King to Holstein States. Representations made by them in 1859 respecting the Constitution.</i>	
Christiansborg, 2nd March, 1861.	840
..... <i>Report (Germanic Diet). Duchies of Holstein and Lauenburg.</i>	
17th January, 1861.	816
..... <i>Resolutions, &c. (Germanic Diet). Demands made on the King of Denmark. Duchies of Holstein and Lauenburg.</i>	
1858—1861.	799
..... <i>Royal Patent. Convocation of Provincial States of Holstein.</i>	
Christiansborg, 19th February, 1861.	837
..... <i>Treaty with Hanover, &c. Redemption of State Toll.</i>	
Hanover, 22nd June, 1861.	27
Protocols. Do.	
Hanover, 19th, 22nd June, 1861.	33
DESSERTERS. <i>Correspondence. Great Britain and United States. Pursuit of Deserters from United States into Canadian territory</i> 1860—1862.	173
..... <i>Declaration (Belgian). Arrest of Seamen Deserters from British Ships in Belgian Ports.</i>	
London, 24th January, 1855.	913
DIPLOMATIC RELATIONS. <i>Correspondence. Great Britain and Mexico. Temporary withdrawal of British Mission from City of Mexico to Jalapa.</i>	
1860, 1861.	548
..... <i>Correspondence. Great Britain and Sicilies. Renewal of Diplomatic Relations.</i>	
1859, 1860.	1329

E.

EDICT. <i>See Decree.</i>	
EGYPT. <i>Correspondence with Great Britain. Slave Trade.</i> 1860	967
ELBA. <i>Correspondence. Great Britain and Sardinia. Prosecution, by Authorities in Island of Elba, of a British Subject (Mr. G. G. Watson Taylor), for alleged Act of Sedition</i> 1860, 1861.	748
ELBE RIVER. <i>See STADE TOLL.</i>	
EMIGRATION. <i>Convention. Great Britain and France. Emigration of Labourers from India to French Colonies.</i>	
Paris, 1st July, 1861.	35
..... <i>Annex. Letter. Emperor of French to Minister of Marine and Colonies</i> Paris, 1st July, 1861.	48

	of Equator.....	January, 1861.	609
EXPULSION.	<i>Correspondence. Great Britain, &c., and Mexico. Expulsion of Diplomatic Agents of Spain, Rome, Guatemala, and Equator, from Mexico</i>	January, 1861.	609
EXTRADITION.	<i>Correspondence. Great Britain and Saxony. Surrender by Saxony of an Hungarian Refugee (Count Téleki) to Austrian Government</i>	1860, 1861.	270
.....	<i>Decree (French). Promulgation of Extradition Convention with Chile of 11th April, 1860.</i>		
		Paris, 15th May, 1861.	694
.....	<i>(Saxony). Publication of Resolution of German Diet of 18th August, 1836. Extradition of Political Criminals within Territory of Germanic Confederation.</i>		
		Dresden, 15th October, 1836.	273
.....	<i>(Do.) Publication of Resolution of German Diet of 26th January, 1854. Extradition of Criminals within Territory of Germanic Confederation.</i>		
		Dresden, 27th February, 1854.	274
.....	<i>(Do.) Agreement with Austria. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria which do not form part of Germanic Confederation. Extradition of Political and Ordinary Criminals.</i>		
		Dresden, 10th January, 1855.	276
.....	<i>Proclamation. (Saxony.) Extradition of Political and Ordinary Criminals. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria which do not form part of Germanic Confederation.</i>		
		Dresden, 28th December, 1854.	277
.....	<i>Treaty. (Austria and Saxony.) Surrender of Criminals.</i>		
		Dresden, 28th December, 1854.	277
.....	<i>(Chile and France.) Do.</i>		
		Santiago, 11th April, 1860.	694

F.

FLORIDA.	<i>Ordinance. Dissolution of Union with The United States of America</i>	Tallahassee, 7th January, 1861.	893
	<i>See also UNITED STATES.</i>		

	Page
FRANCE. Correspondence with Great Britain. Proposed Assembly of a Congress of the Great Powers of Europe for settlement of Affairs of Italy and other European Questions October, 1848.	672
..... with Great Britain, &c. <i>Affairs of Schleswig and Holstein</i> 1861.	809
..... with Great Britain. <i>Slave Trade</i> 1860.	964
..... with The United States. <i>Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade</i> 1861.	82
..... <i>Declaration. Neutrality during Civil War in United States.</i> Paris, 10th June, 1861.	1137
..... <i>Decree. Promulgation of Treaty of Friendship, Commerce, and Navigation of 27th June, 1858, and of Additional Convention of Peace of 25th October, 1860, with China</i> Paris, 12th January, 1861.	636
..... <i>Promulgation of Treaty with Monaco, of 2nd February, 1861. Cession of Mentone and Roquebrune to France.</i> Paris, 13th February, 1861.	673
..... <i>Promulgation of Consular Convention with Brazil of 10th December, 1860</i> Paris, 17th March, 1861.	676
..... <i>Publication of Declaration of 25th March, 1861, with Switzerland. Export of Salt.</i> Paris, 27th March, 1861.	683
..... <i>Promulgation of Boundary Convention with Sardinia of 7th March, 1861</i> Paris, 31st March, 1861.	685
..... <i>Promulgation of Extradition Convention with Chile of 11th April, 1860</i> Paris, 15th May, 1861.	694
..... <i>Promulgation of Treaty of Commerce with Belgium of 1st May, 1861</i> Paris, 27th May, 1861.	698
..... <i>Promulgation of Convention of Navigation with Belgium of 1st May, 1861</i> Paris, 27th May, 1861.	735
..... <i>Declaring Provisions of Treaty of Commerce with Belgium of 1st May, 1861, to be applicable to Great Britain</i> Paris, 29th May, 1861.	741
..... <i>Promulgation of Treaty of Commerce with Turkey of 29th April, 1861</i> Vichy, 14th July, 1861.	742
..... <i>Protocol of Conference with Turkey, &c. Administration of the Lebanon</i> Pera, 9th June, 1861.	287
..... <i>Protocols of Conferences with Turkey, &c. Armed Intervention of European Powers for the Restoration of Tranquillity in Syria</i> Paris, August, 1860—May, 1861.	278
..... <i>of Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.</i> Beyrout, October, 1860—May, 1861.	29
..... <i>Speech of Emperor. Opening of Legislative Chambers.</i> Paris, 4th February, 1861.	1143
..... TREATIES, &c. with FOREIGN POWERS, viz.: —with Belgium. <i>Treaty. Commerce.</i> Paris, 1st May, 1861.	698
..... (Do.) <i>Convention. Navigation.</i> Paris, 1st May, 1861.	735

	Page
FRANCE. TREATIES, &c., with FOREIGN POWERS, contd., viz. :—with	
..... <i>Brazil. Convention. Consular.</i>	
Rio de Janeiro, 10th December, 1860.	676
..... <i>Chile. Convention. Extradition.</i>	
Santiago, 11th April, 1860.	694
..... <i>China. Treaty. Friendship. Commerce. Navigation.....</i>	
Tien-Tsin, 27th June, 1858.	637
<i>Separate Articles. Indemnities.</i>	
Tien-Tsin, 27th June, 1858.	651
<i>Tariff of Imports and Exports</i>	654
<i>Commercial Regulations.</i>	
Shanghai, 24th November, 1858.	662
..... (Do.) <i>Additional Convention. Peace. Friendship, Indemnities, &c.</i>	
Pekin, 25th October, 1860.	668
..... <i>Great Britain. [The Provisions of the Treaty of Commerce between Belgium and France, of 1st May, 1861, were declared to be applicable to Great Britain by the French Decree of 29th May, 1861]</i>	741
..... (Do.) <i>Convention. Emigration of Labourers from India to French Colonies</i>	
Paris, 1st July, 1861.	35
..... <i>Annex. Letter. Emperor of French to Minister of Marine and Colonies.</i>	
Paris, 1st July, 1861.	48
..... (Do.) <i>Additional Convention. Postal.</i>	
London, 2nd July, 1861.	49
..... <i>Great Britain and Spain. Convention. Combined Operations against Mexico.</i>	
London, 31st October, 1861.	63
..... <i>Hanover, &c. Treaty. Redemption of Stade Toll.</i>	
Hanover, 22nd June, 1861.	27
..... (Do.) <i>Protocols.</i>	
Hanover, 19th, 22nd June, 1861.	32
..... <i>Monaco. Treaty. Cession of Mentone and Roquebrune to France.</i>	
Paris, 2nd February, 1861.	673
..... <i>Sardinia. Convention. Boundaries.</i>	
Turin, 7th March, 1861.	685
..... <i>Switzerland. Declaration. Export of Salt.</i>	
Paris, 25th March, 1861.	683
..... <i>Turkey. Treaty. Commerce.</i>	
Constantinople, 29th April, 1861.	742
..... <i>Turkey, &c. Convention. Prolonged Occupation of Syria</i>	
Paris, 19th March, 1861.	9
FRANKFORT. Treaty with China, &c. Friendship. Commerce. Navigation.....	
Tien-Tsin, 2nd September, 1861.	1248

G.

	Page
GAETA. <i>Notification (British). Sardinian Blockade.</i>	
London, 6th February, 1861.	527
..... <i>Do. Sardinian Blockade raised.</i>	
London 22nd February, 1861.	528
GEORGIA. <i>Ordinance. Dissolution of Union with The United States of America</i>	896
Milledgeville, 19th January, 1861.	
See also UNITED STATES.	
GEORGIAN ISLANDS. <i>See TAHITI.</i>	
GERMANIC CONFEDERATION. <i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i>	809
1861.	
..... <i>Report to Diet. Duchies of Holstein and Lauenburg.</i>	
17th January, 1861.	816
..... <i>Extradition of Political Criminals.</i>	
18th August, 1836.	273
..... <i>Extradition of Ordinary Criminals.</i>	
26th January, 1854.	274
..... <i>Resolutions of Diet. Demands made on the King of Denmark. Danish Duchies of Holstein and Lauenburg.</i>	
11th February, 1858.	799
12th August, 1858.	801
8th March, 1860.	802
7th February, 1861.	803
GREAT BRITAIN. <i>Act of Provincial Government of New Brunswick. Collection of Duty on Timber and other Lumber</i>	947
25th March, 1844.	
..... <i>Act of Parliament. To enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary.</i>	
17th May, 1861.	1139
..... <i>To amend the Law relating to Copy-right of Designs.</i>	
6th August, 1861.	1140
..... <i>To amend the Law in relation to Wills and Domicile of British Subjects dying whilst residing Abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.</i>	
6th August, 1861.	1141
..... <i>Correspondence with Denmark, &c. Affairs of Schleswig and Holstein</i>	809
1861.	
..... <i>with France. Proposed Assembly of a Congress of the Great Powers of Europe, for Settlement of Affairs of Italy and other European Questions.</i>	
October, 1848.	672

	Page
GREAT BRITAIN. Correspondence with Greece. Greek Loan....	1859—1861. 1276
..... with Mexico. <i>British Claims on Mexico.</i>	
..... <i>Temporary withdrawal of British Mission from City of Mexico to Jalapa. Robbery of Specie belonging to British Bondholders from House of British Legation</i>	1860, 1861. 548
..... with Sardinia. <i>Prosecution by Authorities in Island of Elba, of a British Subject (Mr. G. G. Watson Taylor) for alleged act of Sedition. Plunder of Island of Monte Cristo, belonging to Mr. Taylor, by followers of General Garibaldi in British steamer "Orwell."</i>	1860, 1861. 748
..... with Saxony. <i>Arrest by Saxon Government of Hungarian Refugee (Count Těleki), and his Surrender to Austrian Government</i>	1860, 1861. 270
..... with Sicilies. <i>Renewal of Diplomatic Relations. Internal Affairs of Kingdom of Naples</i>	1859, 1860. 1329
..... with United States. <i>Free Navigation of River St. John, under Article III. of Treaty of 9th August, 1842.</i>	1844, 1845. 934
..... with United States. <i>Civil War in United States. Proposed Recognition of the so-called Confederate States. Non-reception by Great Britain of Commissioners from Southern States. Proceedings of Confederate Agents in Canada. Enlistment in Canada of Men to serve in United States' Army. Arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming). Pursuit of Deserters from United States into Canadian Territory. Reception of Confederate Vessels in British Ports. Privateering. Blockade of Southern Ports. Neutrality of Great Britain. Non-admission of Armed Vessels or Privateers with Prizes into British Ports. Cases of the "Peerless," "Winifred," "Peter Marcy," "Tropic Wind," and "Sumter."</i>	1860—1862. 173
..... relative to the <i>Slave Trade</i> , 1860. See SLAVE TRADE.	
..... Decree (French). <i>Declaring Provisions of Treaty of Commerce with Belgium of 1st May, 1861, to be applicable to Great Britain.</i>	Paris, 29th May, 1861. 741

	Page
GREAT BRITAIN. Letter. <i>Neutrality. Contest between United States and so-called Confederate States. Non-admission of Armed Ships or Privateers with Prizes into Ports of United Kingdom, or into British Colonial Ports</i> 1st June, 1861.	196
..... <i>Neutrality. Hostilities between United States and so-called Confederate States. Non-admission of Ships of War or Privateers into British Ports or British Colonial Ports for Warlike Purposes. Regulations as to Supply of Coal. Belligerent Vessels not to remain longer than 24 hours, or to depart until 24 hours after each other.</i>	
	31st January, 1861. 265
..... <i>Notification. Sardinian Blockade of Gaeta.</i>	
	London, 6th February, 1861. 527
..... <i>Raising of Sardinian Blockade of Gaeta.</i>	
	London, 22nd February, 1861. 528
..... <i>Sardinian Blockade of Citadel of Messina and neighbouring Ports, but not of Commercial Port of that City.</i>	
	London, 8th March, 1861. 529
..... <i>Turkish Blockade of Coasts of Albania.</i>	
	London, 22nd April, 1861. 529
..... <i>Order in Council. Privilege of Copyright to Authors of Books and Dramatic Pieces first Published or Represented in Sardinia.</i>	
	London, 4th February, 1861. 523
..... <i>Amending Order of 23rd January, 1860. Power and Jurisdiction of Her Majesty in Japan.</i>	
	London, 4th February, 1861. 525
..... <i>Prohibition of Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone, from Islands of Jersey, Guernsey, Alderney, Sark, and Isle of Man.</i>	
	Windsor, 30th November, 1861. 171
..... <i>Prohibition of Export of Arms, Ammunition, and Military Stores.</i>	
	Windsor, 4th December, 1861. 172
..... <i>Proclamation. Neutrality in Contest between The United States and the so-called Confederate States of America.</i>	
	London, 13th May, 1861. 165
..... <i>Prohibition of Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone....</i>	
	Windsor, 29th November, 1861. 170
..... <i>Prohibition of Export of Arms, Ammunition and Military Stores.</i>	
	Windsor, 4th December, 1861. 171

Convention of European Powers
for Restoration of Tranquillity
in Syria.

	Paris, August, 1860—May, 1861.	278
..... of Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.		
	Beyrout, October, 1860—May, 1861.	293
..... Speech of The Queen. Opening of Parliament.		
	Westminster, 5th February, 1861.	1
..... of Lords Commissioners. Closing of Parliament.		
	Westminster, 6th August, 1861.	3
..... TREATIES, &c. with FOREIGN POWERS, viz.:—with		
..... France. Convention. Emigration of Labourers from India to French Colonies ... Paris, 1st July, 1861.		35
..... (Annex.) Letter. Emperor of French to Minister of Marine and Colonies.		
	Paris, 1st July, 1861.	48
..... Do. Additional Convention. Postal.		
	London, 2nd July, 1861.	49
..... France and Spain. Convention. Combined Operations against Mexico.		
	London, 31st October, 1861.	63
..... Hanover, &c. Treaty. Redemption of Stade Toll.		
	Hanover, 22nd June, 1861.	27
	Protocols. Do.	
	Hanover, 19th, 22nd June, 1861.	32
..... Hesse-Darmstadt. Treaty. Marriage of Princess Alice Maud Mary to Prince Frederick of Hesse.		
	London, 14th August, 1861.	52
..... Morocco. Convention. Loan.		
	Tangier, 24th October, 1861.	61
..... Turkey. Convention. Telegraph between Malta and Alexandria.		
	Constantinople, 21st April, 1861.	5
..... Do. Treaty. Commerce. Navigation.		
	Kaulidja, 29th April, 1861.	10
..... Turkey, &c. Convention. Prolonged Occupation of Syria.		
	Paris, 19th March, 1861.	9
GREECE. Correspondence with Great Britain. Greek Loan.....1859—1861.		1276
..... Treaty with Persia. Friendship. Commerce. Navigation.		
	Constantinople, 1 st / ₂ th October, 1861.	533

[1860-61. LI.]

	Page
GUATEMALA. <i>Correspondence. Expulsion of Guatemalan Minister from Mexico</i>	January, 1861. 609
..... <i>Message of President. Opening of Chambers.</i>	
..... <i>Guatemala, 25th November, 1860.</i>	1287

H.

HAMBURG. <i>Constitution. Free and Hanseatic City of Hamburg.</i>	
..... <i>Hamburg, 28th September, 1860.</i>	1164
..... <i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i>	1861. 809
..... <i>Ordinance of Senate. Against Privateering.</i>	
..... <i>Hamburg, 19th July, 1861.</i>	1139
..... <i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	
..... <i>Tien-Tsin, 2nd September, 1861.</i>	1248
HANOVER. <i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i>	1861. 809
..... <i>TREATIES, &c. with FOREIGN POWERS, viz. :—with</i>	
..... <i>Belgium. Convention. Stade Toll.</i>	
..... <i>Hanover, 18th February, 1861.</i>	844
..... <i>China, &c. Treaty. Friendship. Commerce. Navigation.</i>	
..... <i>Tien-Tsin, 2nd September, 1861.</i>	1248
..... <i>Treaties. Great Britain, &c. Treaty. Redemption of Stade Toll.</i>	
..... <i>Hanover, 22nd June, 1861.</i>	27
..... <i>Protocols. Do.</i>	
..... <i>Hanover, 19th, 22nd June, 1861.</i>	32
..... <i>United States. Treaty. Abolition of Stade or Brunshausen Dues.</i>	
..... <i>Berlin, 6th November, 1861.</i>	490
HANSE TOWNS. <i>Treaty with Hanover, &c. Redemption of Stade Toll.</i>	
..... <i>Hanover, 22nd June, 1861.</i>	27
..... <i>Protocols. Do.</i>	
..... <i>Hanover, 19th, 22nd June, 1861.</i>	32
HAWAIIAN ISLANDS. <i>Correspondence with United States. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade.</i>	
.....	1865. 133
..... <i>Proclamation. Neutrality in War between Great Britain, France, and Turkey, and Russia</i>	Honolulu, 16th May, 1854. 933
..... <i>Neutrality in War between The United States and the so-called Confederate States.</i>	
..... <i>Kialua, 26th August, 1861.</i>	136

.....	<i>China, &c. Treaty. Friendship. Commerce. Navigation.</i>	
	Tien-Tsin, 2nd Septemoer, 1861.	1248
.....	<i>Great Britain. Treaty. Marriage of Princess Alice Maud Mary to Prince Frederick of Hesse.</i>	
	London, 14th August, 1861.	52
HOLSTEIN.	<i>Correspondence. Great Britain and Denmark, &c. Affairs of Schleswig and Holstein</i>	1861. 809
.....	<i>Notification of King of Denmark to Holstein States. Representation made by them in 1859, respecting the Constitution.....</i>	Christiansborg, 2nd March, 1861. 840
.....	<i>Report (German Diet). Duchies of Holstein and Lauenburg.</i>	17th January, 1861. 816
.....	<i>Resolutions, &c. (Germanic Diet.) Demands made on the King of Denmark. Duchies of Holstein and Lauenburg</i>	1858—1861. 799
.....	<i>Royal Patent (Danish). Convocation of Provincial States of Holstein.</i>	
	Christiansborg, 19th February, 1861.	837
HONDURAS.	<i>Contract with North American "Agricultural and Navigation Company." Navigation of Rivers Aguan, Tinto, and Patook. Colonization in Department of Olancho</i>	Comayagua, 22nd February, 1859. 907
.....	<i>Decree. Promulgation of Contract of 22nd February, 1859, with North American "Agricultural and Navigation Company." Navigation of Rivers Aguan, Tinto, and Patook. Colonization in Department of Olancho</i>	Comayagua, 20th February, 1860. 907

I.

INDIA.	<i>Convention. Great Britain and France. Emigration of Labourers from India to French Colonies.</i>	
	Paris, 1st July, 1861.	35
ITALY.	<i>Correspondence. Great Britain and France. Proposed Congress. with The United States. Civil War in America.</i>	
	<i>Affairs of Italy, &c</i>	1848. 672
	<i>Non-Recognition of the so-called Confederate States. Maritime Rights in time of War.</i>	
	<i>Privateering. Neutral Trade</i>	1861. 103
<i>See also SARDINIA.</i>		

J.

- Page
- JAPAN. *Order in Council (British). Amending Order of 23rd January, 1860. Power and Jurisdiction of Her Majesty in Japan.*
 London, 4th February, 1861. 525
- JURISDICTION (FOREIGN). *See* JAPAN.

L.

- LABOURERS. *See* EMIGRATION. SLAVE TRADE.
- LAUBENBURG. *Report (Germanic Diet). Duchies of Holstein and Lauenburg*.....17th January, 1861. 816
- *Resolutions, &c. (Germanic Diet.) Demands on King of Denmark*1858—1861. 791
- LAW (New Granada). *Exploration of Isthmuses of Parana and Darien. Excavation of a Navigable Canal between Atlantic and Pacific Oceans* Bogotá, 6th May, 1859. 1109
- (Nicaragua). *Promulgation of Contract with American Atlantic and Pacific Maritime Company ("Central American Transit Company)," of 2nd April, 1860.*
 Managua, 12th July, 1861. 914
- See also* DECREE.
- LEBANON. *Protocol of Conference. Great Britain, Turkey, &c. Administration of the Lebanon.*
 Pérá, 9th June, 1861. 287
- LETTERS OF MARQUE. *Proclamation. Confederate States.* 17th April, 1861. 183
- See also* PRIVATEERING and PRIVATEERS.
- LIMITS. *See* BOUNDARIES.
- LIPPE. *Treaty with China, &c. Friendship. Commerce. Navigation.*
 Tien-Tsin, 2nd September, 1861. 1248
- LOAN. *Convention. Great Britain and Morocco. Loan to be raised in London by Morocco*Tangier, 24th October, 1861. 61
- *Correspondence. Great Britain and Greece. Arrangement of June, 1860. Greek Loan*1859—1861. 1276
- LOUISIANA. *Ordinance. Dissolution of Union with The United States of America*Baton Rouge, 26th January, 1861. 896
- See also* UNITED STATES.
- LUBECK. *Treaty with China, &c. Friendship. Commerce. Navigation.*
 Tien-Tsin, 2nd September, 1861. 1248
- LUXEMBURG. *Treaty with China, &c. Friendship. Commerce. Navigation*Tien-Tsin, 2nd September, 1861. 1248

M.

- MALTA AND ALEXANDRIA. *See* TELEGRAPH.
- MARRIAGE. *Decree (Mexican). Religious Liberty. (Marriages, &c.)*
 Vera Cruz, 4th December, 1860. 620

London, 14th August, 1861. 52

MARITIME LAW. *Resolution (Confederate States). Defining Position of Confederate States in respect to certain Points of Maritime Law.*

13th August, 1861. 257

MARITIME RIGHTS. *Correspondence. United States and Austria, &c. Maritime Rights in time of War.*

1861. 65

MECKLENBURG-SCHWERIN. *TREATIES, &c. with FOREIGN POWERS, viz. :—with*

..... *China, &c. Treaty. Friendship. Commerce. Navigation.*

Tien-Tsin, 2nd September, 1861. 1248

..... *Hanover, &c. Treaty. Redemption of State Toll.*

Hanover, 22nd June, 1861. 27

Protocols. Do.

Hanover, 19th, 22nd June, 1861. 32

MECKLENBURG-STRELITZ. *Treaty with China, &c. Friendship. Commerce. Navigation.*

Tien-Tsin, 2nd September, 1861. 1248

MENTONE. *Decree (French). Promulgation of Treaty with Monaco of 2nd February, 1861. Cession of Mentone and Roquebrune to France.*

Paris, 13th February, 1861. 673

..... *Treaty. France and Monaco. Cession of Mentone and Roquebrune to France.*

Paris, 2nd February, 1861. 673

MESSAGE of President (Chile). *Opening of National Congress.*

Santiago, 1st June, 1859. 538

..... *of President (Guatemala). Opening of Chamber of Representatives.*

Guatemala, 25th November, 1860. 1297

..... *of President (United States). State of Yucatan.*

Washington, 29th April, 1848. 1225

..... *(Do.) Capture of the Slaver "Wildfire," on Coast of Cuba, by the "Mohawk."*

Washington, 19th May, 1860. 1085

..... *(Do.) Opening of Congress.*

Washington, 3rd December, 1861. 1313

..... *of President (Uruguay). Opening of Chambers.*

Monte Video, 15th February, 1860. 1300

..... *of President (Venezuela). Opening of Congress.*

Caracas, 12th April, 1860. 1305

..... *of Provisional Governor (Yucatan). Installation of Extraordinary Assembly.*

Ticul, 24th May, 1847. 1128

	Page
MESSINA. <i>Notification (British). Sardinian Blockade of Citadel of Messina</i>.....London, 8th March, 1861.	529
MEXICO. <i>Convention. Great Britain, Spain, and France. Combined Operations against Mexico.</i> London, 31st October, 1861.	63
..... <i>Correspondence with Great Britain. British Claims on Mexico. Temporary Withdrawal of British Mission from City of Mexico to Jalapa. Robbery of Specie belonging to British Bondholders from House of British Legation. Expulsion of Diplomatic Agents of Equator, Guatemala, Papal States, and Spain</i> .....1860, 1861.	548
..... <i>Decree. Promulgation of Agreement with Yucatan of 14th December, 1843. Re-Incorporation of Yucatan with Mexican Republic.</i> Mexico, 15th December, 1843.	1271
..... <i>Religious Liberty, and Religious Reforms. (Marriages, &c.)</i> .....Vera Cruz, 4th December, 1860.	620
..... <i>Payment of Claims arising out of Civil War.</i> Vera Cruz, 17th December, 1860.	617
..... <i>Civil Marriage Law</i>.....Mexico, 29th December, 1860.	625
..... TREATIES, &c. with FOREIGN POWERS, viz. :—with	
..... <i>Belgium. Treaty. Friendship. Commerce. Navigation</i> Mexico, 20th July, 1861.	1148
..... <i>Spain. Treaty. Friendship.</i> Paris, 26th September, 1859.	926
..... <i>Yucatan. Agreement. Re-Incorporation with Mexico.</i> Mexico, 14th December, 1843.	1271
MISSISSIPPI. <i>Ordinance. Dissolution of Union with The United States of America</i> .....Jackson, 9th January, 1861.	894
See also UNITED STATES.	
MONACO. <i>Decree (French). Promulgation of Treaty of 2nd February, 1861. Cession of Mentone and Roquebrune to France</i> .....Paris, 13th February, 1861.	673
..... <i>Treaty with France. Cession of Mentone and Roquebrune to France</i> .....Paris, 2nd February, 1861.	673
MONTE CRISTO. <i>Correspondence. Great Britain and Sardinia. Plunder of Island of Monte Cristo, belonging to a British Subject (Mr. G. G. Watson Taylor) by Followers of General Garibaldi, in British Steamer "Orwell."</i> .....1860, 1861.	748
MOROCCO. TREATIES, &c. with FOREIGN POWERS, viz. :—with	
..... <i>Great Britain. Convention. Loan.</i> Tangier, 24th October, 1861.	61
..... <i>Spain. Treaty. Peace. Amity.</i> Tetuan, 26th April, 1860.	928
MUSCAT. <i>Correspondence with Great Britain. Slave Trade</i> .....1860.	965

NAPLES. *See* SICILIES.

NASSAU. *Treaty with China, &c. Friendship. Commerce. Navigation.*

Tien-Tsin, 2nd September, 1861. 1248

..... *See also* BAHAMAS.

NATIONALITY. *Decree (Paraguay). Persons born in Paraguay declared to be Paraguayan Citizens.*

Assumption, 10th July, 1856. 1110

NETHERLANDS. *Correspondence with Great Britain. Slave Trade* 1860. 965

..... with *The United States. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade* 1861. 109

..... with *The United States. Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter"* 1861. 137

..... *Declaration. Neutrality during Civil War in United States* The Hague, 15th June, 1861. 117

..... against *Privateering.*

The Hague, 15th June, 1861. 117, 118

..... *Speech of King. Opening of Legislative Assembly.*

The Hague, 17th September, 1860. 530

..... *Treaty with Hanover, &c. Redemption of Stade Toll.*

Hanover, 22nd June, 1861. 27

Protocols. Do. Hanover, 19th, 22nd June, 1861. 32

NEUTRALITY. *Correspondence. Great Britain and United States. Neutrality of Great Britain in Civil War in United States of North America.*

1860—1862. 173

..... *Letter (Great Britain). Do.*

1st May, 1861. 182

..... *Letter (Great Britain). Do. Stay of Belligerent Vessels in British Ports limited to 24 hours after their entrance. Supply of Coal, &c.*

31st January, 1862. 265

..... *United States and Yucatan. Neutrality of Yucatan in War between United States and Mexico* 1847, 1848. 1184

..... *Declaration (French). Neutrality during Civil War in United States* Paris, 10th June, 1861. 1137

..... *(Netherlands). Neutrality during War in United States.*

The Hague, June, 1861. 117, 118

..... *(Russia). Neutrality during Civil War in United States* May, 1861. 100

..... *Decree (Spanish). Neutrality during Civil War in United States* Madrid, 7th June, 1861. 97

	Page
NEUTRALITY. <i>Proclamation (British). Neutrality in Contest between United States and so-called Confederate States</i>.....London, 13th May, 1861.	165
..... (Hawaiian Islands). <i>Neutrality in War between Great Britain, France, and Turkey, and Russia.</i> Honolulu, 16th May, 1854.	933
..... (Do.) <i>Neutrality in War between United States and so-called Confederate States.</i> Kialua, 26th August, 1861.	136
NEUTRAL TRADE. <i>Correspondence. United States and Austria, &c. Neutral Trade during Civil War in North America.</i> 1861.	65
NEW BRUNSWICK. <i>Act. Collection of Duty on Timber and other Lumber.</i> 25th March, 1844.	947
NEW GRANADA. <i>Decree. Exclusive privilege to a private Company to Open a Canal between the Gulf of San Miguel and Caledonia Bay (Isthmus of Darien)</i> .....Bogotá, 1st June, 1852.	1238
..... <i>Law of Congress. Authorizing Executive Power to allow Exploration of Isthmuses of Parana and Darien, and to conclude a Contract for Excavation of a Navigable Canal between Atlantic and Pacific Oceans.</i> Bogotá, 6th May, 1859.	1109
NICARAGUA. <i>Contract with American Atlantic and Pacific Maritime Canal Company ("Central American Transit Company.")</i> Managua, 2nd April, 1860.	914
..... <i>Law. Promulgation of Contract with American Atlantic and Pacific Maritime Company, ("Central American Transit Company,") of 2nd April, 1860.</i> Managua, 12th July, 1861.	914
..... <i>Speech of President. Opening of Congress.</i> Nicaragua, 6th March, 1860.	1291
NORTH CAROLINA. <i>Proclamation (United States). Blockade of Ports of North Carolina.</i> Washington, 27th April, 1861.	269
..... <i>Ordinance. Dissolution of Union with The United States of America.</i> Raleigh, 20th May, 1861.	901
..... <i>Adoption of Constitution of Provisional Government of Confederate States of America</i>.....Raleigh, 20th May, 1861.	902
<i>See also UNITED STATES.</i>	
NORWAY. <i>See SWEDEN.</i>	
NOTIFICATIONS. <i>See GREAT BRITAIN.</i>	

.....	Decree (Honduras). Promulgation of above Contract.	Comayagua, 22nd February, 1859.	907
		Comayagua, 20th February, 1860.	907
OLDENBURG.	Treaty with China, &c. Friendship. Commerce. Navigation.....	Tien-Tsin, 2nd September, 1861.	1248
ORDERS IN COUNCIL.	See GREAT BRITAIN.		
ORDINANCES.	See BREMEN. HAMBURGH. UNITED STATES.		
"ORWELL."	Correspondence. Great Britain and Sardinia. Plunder of Island of Monte Christo, belonging to a British Subject (Mr. G. G. Watson Taylor), by followers of General Garibaldi, in British Steamer "Orwell."	1860, 1861.	748

P.

PACIFIC and ATLANTIC OCEANS.	See ATLANTIC.		
PANAMA.	Law (New Granada). Exploration of Isthmuses of Panama and Darien	Bogotá, 6th May, 1859.	1109
PARAGUAY.	Declaration. Relations with Foreigners.	Assumption, 20th May, 1845.	1146
.....	Decree. Declaring Persons born in Territory of Republic to be Paraguayan Citizens.	Assumption, 10th July, 1856.	1110
PATOOK RIVER.	Contract. Honduras and North American "Agricultural and Navigation Company." Navigation of River Patook, &c.	Comayagua, 22nd February, 1859.	907
.....	Decree (Honduras). Promulgation of above Contract.	Comayagua, 20th February, 1860.	907
PATRICK, MR.	Correspondence. Great Britain and United States. Arbitrary Arrest.....	1860—1862.	173
"PEERLESS."	Correspondence. Great Britain and United States. Case of the Ship "Peerless".....	1860—1862.	173
PERSIA.	Treaty with Greece. Friendship. Commerce. Navigation.	Constantinople, 14th October, 1861.	533
"PETER MARCY."	Correspondence. Great Britain and United States. Case of the ship "Peter Marcy".....	1860—1862.	173
PIRACY.	Act (United States). Punishment of Crime of Piracy.	5th August, 1861.	231
PORTUGAL.	Correspondence with Great Britain. Slave Trade.....	1860.	965
.....	with United States. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade.	1861.	121
.....	Decree. Against Privateering	Lisbon, 29th July, 1861.	130
.....	Speech of King. Opening of Cortes.	Lisbon, 20th May, 1861.	1311
.....	of King. Oath to Constitution.	Lisbon, 22nd December, 1861.	1312

	Page
PORTUGAL. Treaty with Hanover, &c. Redemption of Stade Toll.	
Hanover, 22nd June, 1861.	27
Protocols. Do.	
Hanover, 19th, 22nd June, 1861.	32
POTTAWATOMIE INDIANS. Treaty with United States. Cession.	
Pottawatomie, 15th November, 1861.	517
PRIVATEERING. Correspondence. Great Britain and United States. Privateering...	1860—1862. 173
..... United States and Austria, &c. Privateering	1861. 65
..... Declaration (Netherlands). Privateering.	
The Hague, June, 1861.	117
..... Decree (Portugal). Privateering.	
Lisbon, 29th July, 1861.	130
..... Notification (Belgium). Privateering....	25th June, 1861. 78
..... (Prussia). Privateering.	
Berlin, June, 1861.	70
..... Ordinance (Bremen). Privateering.	
Bremen, 2nd July, 1861.	1138
..... (Hamburg). Privateering.	
Hamburg, 19th July, 1861.	1139
PRIVATEERS. Correspondence. Great Britain and United States. Non-Admission of Privateers with Prizes into British Ports	1860—1862. 173
..... United States and Netherlands. Admission of Privateers of so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter"	1861. 137
..... Proclamation. Confederate States. Letters of Marque.	
17th April, 1861.	183
PRIZES. Correspondence. Great Britain and United States. Non-Admission of Armed Vessels or Privateers with Prizes into British Ports.	
1860—1862.	173
PROCLAMATION (British). Neutrality in Contest between The United States and the so-called Confederate States of America	London, 13th May, 1861. 165
..... (Do.) Prohibition of Export of Gunpowder, Saltpetre, Nitrate of Soda, and Brimstone.	
Windsor, 29th November, 1861.	170
..... (Do.) Prohibition of Export of Arms, Ammunition, and Military Stores.	
Windsor, 4th December, 1861.	171
..... (Hawaiian Islands.) Neutrality in War between Great Britain, France, and Turkey, and Russia....	Honolulu, 16th May, 1854. 933
..... (Do.) Neutrality in the War between The United States and the so-called Confederate States.	
Kialua, 26th August, 1861.	136

	Page
PROCLAMATION (Saxony.) <i>Extradition of Political and Ordinary Criminals. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria not forming part of Germanic Confederation.</i>	
Dresden, 28th December, 1854.	277
..... (United States.) <i>Proclamation of President. Calling out of Militia, to suppress Combinations in certain States of the Union.</i>	
Washington, 15th April, 1861.	268
..... (Do.) <i>Do. Blockade of Ports of the Confederates, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi and Texas.</i>	
19th April, 1861.	185
..... (Do.) <i>Do. Blockade of Ports of Virginia and North Carolina.</i>	
Washington, 27th April, 1861.	269
..... (Do.) <i>Do. Prohibition of Commercial Inter-course with Seceded States.</i>	
16th August, 1861.	234
..... (Do.) <i>Do. (Confederate States.) Letters of Marque</i> 17th April, 1861.	183
PROTOCOL OF CONFERENCE. <i>Great Britain, Austria, France, Prussia, Russia, and Turkey. Administration of the Lebanon</i> Pera, 9th June, 1861.	287
PROTOCOLS OF CONFERENCES. <i>Great Britain, Austria, France, Prussia, Russia and Turkey. Armed Intervention of European Powers. Restoration of Tranquillity in Syria.</i>	
Paris, August 1860—May, 1861.	278
..... <i>Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861.	293
PRUSSIA. <i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i> 1861.	809
..... <i>with The United States. Civil War in America. Non-Recognition of the so-called Confederate States. Maritime Rights in time of War. Privateering. Neutral Trade</i> 1861.	65
..... <i>Notification. Against Privateering</i> Berlin, June, 1861.	70
..... <i>Protocol of Conference with Turkey, &c. Administration of the Lebanon</i> Pera, 9th June, 1861.	287
..... <i>Protocols of Conferences with Turkey, &c. Armed Intervention of European Powers. Restoration of Tranquillity in Syria.</i>	
Paris, August, 1860—May, 1861.	278

	Page
PRUSSIA. <i>Protocols of Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.</i>	
..... <i>Beyrout, October, 1860—May, 1861.</i>	293
..... <i>Speech of Regent. Opening of the Landtag.</i>	
..... <i>Berlin, 12th January, 1860.</i>	1294
..... <i>Closing of the Landtag.</i>	
..... <i>Berlin, 23rd May, 1860.</i>	1298
TREATIES, &c. with FOREIGN POWERS, viz. :—with	
..... <i>China, &c. Treaty. Friendship. Commerce. Navigation.</i>	
..... <i>Tien-Tsin, 2nd September, 1861.</i>	1248
..... <i>Do. Tariff of Imports and Exports</i>	1258
..... <i>Do. Commercial Regulations</i>	1266
..... <i>Hanover, &c. Treaty. Redemption of State Toll.</i>	
..... <i>Hanover, 22nd June, 1861.</i>	27
..... <i>Protocols. Do.</i>	
..... <i>Hanover, 19th, 22nd June, 1861.</i>	32
..... <i>Turkey, &c. Convention. Prolonged Occupation of Syria</i>	
..... <i>Paris, 19th March, 1861.</i>	9

R.

RAHMING, Mr. <i>Correspondence. Great Britain and United States. Arbitrary Arrest.</i>	1860—1862. 173
RECOGNITION. <i>Correspondence. Great Britain and United States. Proposed Recognition by Great Britain of so-called Confederate States.</i>	
..... <i>1860—1862.</i>	175
..... <i>United States and Austria, &c. Non-Recognition of so-called Confederate States</i>	
..... <i>1861.</i>	65
REFUGES. <i>See TELEKI.</i>	
RESOLUTION (Confederate States). <i>Defining Position of Confederate States in respect to certain Points of Maritime Law</i>	
..... <i>13th August, 1861.</i>	257
RESOLUTIONS, &c. (Germanic Diet.) <i>Demands made on King of Denmark. Duchies of Holstein and Lauenburg.</i>	
..... <i>1858—1861.</i>	799
RUSS-GREITZ and RUSS-SCHLEITZ. <i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	
..... <i>Tien-Tsin, 2nd September, 1861.</i>	1248
ROME. <i>Correspondence. Expulsion of Pope's Nuncio from Mexico.</i>	
..... <i>January, 1861.</i>	609
ROQUEBRUNE. <i>Decree (France). Promulgation of Treaty with Monaco of 2nd February, 1861. Cession of Mentone and Roquebrune to France.</i>	
..... <i>Paris, 18th February, 1861.</i>	673
..... <i>Treaty. France and Monaco. Cession of Mentone and Roquebrune to France.</i>	
..... <i>Paris, 2nd February, 1861.</i>	673

	Page
ROYAL PATENT (<i>Danish</i>). <i>Convocation of Provincial States of Holstein.</i>	
Christiansborg, 19th February, 1861.	837
RUSSIA. <i>Correspondence with The United States. Civil War in America.</i>	
<i>Non-Recognition of the so-called Confederate States. Maritime Rights in time of War.</i>	
<i>Privateering. Neutral Trade</i> 1861.	98
..... <i>Declaration. Neutrality during Civil War in United States.</i>	
<i>Non-Salute of Ships of Confederate States.</i>	
May, 1861.	100
..... <i>Protocol of Conference with Turkey, &c. Administration of the</i>	
<i>Lebanon</i> Pera, 9th June, 1861.	287
..... <i>Protocols of Conferences with Turkey, &c. Armed Intervention</i>	
<i>of European Powers. Restoration of</i>	
<i>Tranquillity in Syria.</i>	
Paris, August, 1860—May, 1861.	293
..... <i>of Meetings between Commissioners of Great Britain,</i>	
<i>Austria, France, Prussia, Russia, and</i>	
<i>Turkey. Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861.	293
..... TREATIES, &c., with FOREIGN POWERS, viz. :—with	
..... <i>Hanover, &c. Treaty. Redemption of State Toll.</i>	
Hanover, 22nd June, 1861.	27
<i>Protocols. Do.</i>	
Hanover, 19th, 22nd June, 1861.	32
..... <i>Turkey, &c. Convention. Prolonged Occupation of</i>	
<i>Syria</i> Paris, 19th March, 1861.	9

S.

ST. JOHN RIVER. <i>Correspondence. Great Britain and United States.</i>	
<i>Free Navigation of River St.</i>	
<i>John, under Article III of Treaty</i>	
<i>of 9th August, 1842.....1844, 1845.</i>	934
SALT. <i>Declaration. France and Switzerland. Export of Salt.</i>	
Paris, 25th March, 1861.	683
..... <i>Decree (French). Publication of Declaration with Switzerland of</i>	
<i>25th March, 1861. Export of Salt.</i>	
Paris, 27th March, 1861.	683
SALUTES. <i>Declaration (Russian). Non-Salute of Ships of Confederate</i>	
<i>States.....</i>	
May, 1861.	100
SARDINIA. <i>Convention with France. Limits</i> Turin, 7th March, 1861.	685
..... <i>Correspondence with Great Britain. Prosecution by Authori-</i>	
<i>ties in Island of Elba of a British Subject</i>	
<i>(Mr. G. G. Watson Taylor) for alleged Act</i>	
<i>of Sedition. Plunder of Island of Monte</i>	
<i>Christo, belonging to Mr. Taylor, by Fol-</i>	
<i>lowers of General Garibaldi in British</i>	
<i>Steamer "Orwell" 1860, 1861.</i>	748

	Page
SARDINIA. Decree (French). Promulgation of Boundary Convention of 7th March, 1861 Paris, 31st March, 1861.	685
..... Notification. Blockade of Gaeta London, 4th February, 1861.	527
..... Raising of Blockade of Gaeta.	
..... London, 19th February, 1861.	528
..... (British). Sardinian Blockade of Gaeta.	
..... London, 6th February, 1861.	527
..... (Do.) Sardinian Blockade of Gaeta raised.	
..... London, 22nd February, 1861.	528
..... (Do.) Sardinian Blockade of Citadel of Messina and Neighbouring Ports; but not of Commercial Port of that City.	
..... London, 8th March, 1861.	529
..... Order in Council (British). Privileges of Copyright to Authors, &c., of Sardinian Works of Literature and the Fine Arts.	
..... London, 4th February, 1861.	523
See also ITALY.	
SAXE-ALTENBURG, SAXE-COBURG-GOTHA, SAXE-MEININGEN, and SAXE WEIMAR-EISENACH. Treaty with China, &c. Friendship. Commerce. Navigation.	
..... Tien-Tsin, 2nd September, 1861.	1248
SAXONY. Correspondence with Great Britain. Arrest by Saxon Government, of an Hungarian Refugee (Count Tékéi); and his Surrender to Austrian Government.	
..... 1860, 1861.	270
..... with Great Britain. Affairs of Schleswig and Holstein 1861.	809
..... Decree. Publication of Resolution of German Diet of 18th August, 1836. Extradition of Political Criminals, within Territory of Germanic Confederation.	
..... Dresden, 15th October, 1836.	273
..... Publication of Resolution of German Diet of 26th January, 1854. Extradition of Criminals within Territory of Germanic Confederation.	
..... Dresden, 27th February, 1854.	274
..... Agreement with Austria. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria which do not form part of Germanic Confederation. Extradition of Political and Ordinary Criminals.	
..... Dresden, 10th January, 1855.	276
..... Proclamation. Extradition of Political and Ordinary Criminals. Extension of Resolutions of German Diet of 18th August, 1836, and 26th January, 1854, to Dominions of Austria not forming part of Germanic Confederation.	
..... Dresden, 28th December, 1854.	277
..... TREATIES &c., with FOREIGN POWERS, viz. :—with	
..... Austria. Agreement. Extradition of Political and other Criminals.	
..... Dresden, 28th December, 1854.	277
..... China, &c. Treaty. Friendship. Commerce. Navigation.	
..... Tien-Tsin, 2nd September, 1861.	1248

SCHWARTZBURG-SONDERSHAUSEN.	<i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	Tien-Tsin, 2nd September, 1861.	1248
SECEDED OR CONFEDERATE STATES.	<i>See UNITED STATES.</i>		
SICILIES.	<i>Correspondence with Great Britain. Renewal of Diplomatic Relations; and Internal Affairs of Kingdom of Naples</i>	1859, 1860.	1329
.....	<i>Decree. Redemption by Government of Articles pledged by the Poor in the Mont de Piété.</i>	Capodimonte, 15th June, 1859.	1333
.....	<i>Amnesty to Political Offenders.</i>	Capodimonte, 16th June, 1859.	1331
.....	<i>Removal of Disabilities for Political Offences.</i>	Capodimonte, 16th June, 1859.	1332
.....	<i>Commutation of Criminal Offences.</i>	Capodimonte, 16th June, 1859.	1332
.....	<i>Edict. Permission to Exiles to return to Naples.</i>	Capodimonte, 16th June, 1859.	1336
SIoux INDIANS.	<i>Resolution of United States. Right and Title of Sioux Indians to Lands on Minnesota River.</i>	27th June, 1860.	499
SLAVE TRADE.	<i>Act (United States.) Prohibition of Slave Trade.</i>	16th June, 1860.	1093
.....	<i>Correspondence with Foreign Powers</i>	1860, 1861.	
		Page.	Page.
	<i>Africa</i>	963	<i>Portugal</i> 965
	<i>Brazil</i>	964	<i>Spain</i> 965
	<i>Egypt</i>	967	<i>Tripoli</i> 966
	<i>France</i>	964	<i>Turkey</i> 966
	<i>Muscat</i>	965	<i>United States</i> 967
	<i>Netherlands</i>	965	
.....	<i>Decree (Spanish). Rules. Introduction of Chinese Labourers into Island of Cuba.</i>	Madrid, 6th June, 1860.	1038
.....	<i>Message (United States.) Capture of Slaver "Wildfire," off Coast of Cuba.</i>	Washington, 19th May, 1860.	1085
SOUTH CAROLINA.	<i>Ordinance. Dissolution of Union with The United States of America.</i>	Columbia, 20th December, 1860.	893
	<i>See also UNITED STATES.</i>		
SPAIN.	<i>Correspondence with Great Britain. Slave Trade</i>	1860.	965
.....	<i>with Mexico. Expulsion of Spanish Ambassador from Mexico</i>	January, 1861.	609
.....	<i>with United States. Civil War in America. Non-recognition of the so-called Confederate States.</i>		
	<i>Maritime Rights in time of War. Privateering.</i>		
	<i>Neutral Trade</i>	1861.	96

	Page
SPAIN. Decree. Rules. Introduction of Chinese Labourers into Island of Cuba	Madrid, 6th June, 1860. 1038
..... Neutrality during Civil War in The United States.	Madrid, 7th June, 1861. 97
..... TREATIES, &c. with FOREIGN POWERS, viz. :—with	
..... Great Britain and France. Convention. Combined Operations against Mexico.	London, 31st October, 1861. 63
..... Hanover, &c. Treaty. Redemption of Stade Toll.	Hanover, 22nd June, 1861. 27
..... Protocols. Do.	Hanover, 19th, 22nd June, 1861. 32
..... Mexico. Treaty. Friendship.	Paris, 26th September, 1859. 926
..... Morocco. Treaty. Peace. Amity.	Tetuan, 26th April, 1860. 928
SPEECH of King of the Belgians. Opening of Chambers.	Brussels, 12th November, 1861. 531
..... of Emperor of Brazil. Opening of Legislative Assembly.	Rio de Janeiro, 12th May, 1860. 1284
..... of Emperor of the French. Opening of Legislative Chambers.	Paris, 4th February, 1861. 1143
..... of Queen of Great Britain. Opening of Parliament.	Westminster, 5th February, 1861. 1
..... of Lords Commissioners of Great Britain. Closing of Parliament.	Westminster, 6th August, 1861. 3
..... of King of the Netherlands. Opening of Legislative Assembly.	The Hague, 17th September, 1860. 530
..... of President of Nicaragua. Opening of Congress.	Nicaragua, 6th March, 1860. 1291
..... of King of Portugal. Opening of Cortes.	Lisbon, 20th May, 1861. 1311
..... of King of Portugal. Oath to Constitution.	Lisbon, 22nd December, 1861. 1312
..... of Regent of Prussia. Opening of Landtag.	Berlin, 12th January, 1860. 1294
..... of Regent of Prussia. Closing of Landtag.	Berlin, 23rd May, 1860. 1298
..... of Queen of Tahiti. Opening of Legislative Assembly.	Papesti, 3rd May, 1860. 1293
STADE DUES. TREATIES, &c. between FOREIGN POWERS, viz. :—	
..... Belgium and Hanover. Convention. Stade Toll.	Hanover, 18th February, 1861. 844
..... Great Britain and Hanover, &c. Treaty. Redemption of Stade Toll.	Hanover, 22nd June, 1861. 27
..... Protocols. Do.	Hanover, 19th, 22nd June, 1861. 32
..... Hanover and United States. Treaty. Abolition of Stade Toll.	Berlin, 6th November, 1861. 490

SWEDEN AND NORWAY.	<i>Correspondence with Great Britain. Affairs of Schleswig and Holstein</i>	1861.	809
.....	<i>Treaty with Hanover, &c. Redemption of Stade Toll</i>	Hanover, 19th, 22nd June, 1861.	27
	<i>Protocols. Do.</i>		
		Hanover, 19th, 22nd June, 1861.	32
SWITZERLAND.	<i>Declaration with France. Export of Salt.</i>		
		Paris, 25th March, 1861.	683
.....	<i>Decree (French). Publication of Declaration of 25th March, 1861. Export of Salt.</i>		
		Paris, 27th March, 1861.	683
SYRIA.	<i>Convention. Great Britain and Turkey, &c. Prolonged Occupation of Syria</i> ...	Paris, 19th March, 1861.	9
.....	<i>Protocols of Conferences. Great Britain and Turkey, &c. Armed Intervention of European Powers. Restoration of Tranquillity in Syria.</i>		
		Paris, August, 1860—May, 1861.	278
	<i>..... of Meetings between Commissioners of Great Britain and Turkey, &c. Disturbances in Syria.</i>		
		Beyrout, October, 1860—May, 1861.	293

T.

TAHITI.	<i>Speech of Queen. Opening of Legislative Assembly.</i>		
		Papeeti, 3rd May, 1860.	1293
TARIFF.	<i>Imports and Exports. Belgium and France</i>	1st May, 1861.	708
.....	<i>China and France</i>	27th June, 1858.	654
.....	<i>China and Prussia, &c.</i>		
		2nd September, 1861.	1258
TAYLOR, Mr.	<i>Correspondence. Great Britain and Sardinia. Prosecution by Authorities in Island of Elba of a British subject (Mr. G. G. Watson Taylor) for alleged Act of Sedition. Plunder of Island of Monte Christo, belonging to Mr. Taylor, by Followers of General Garibaldi, in British Steamer "Orwell"</i>	1860, 1861.	748
TELEGRAPH.	<i>Convention. Great Britain and Turkey. Malta and Alexandria</i>	Constantinople, 21st April, 1861.	5
TELEKI, COUNT.	<i>Correspondence. Great Britain and Saxony. Surrender by Saxony of Count Tëleki to Austrian Government.</i>		
		1860, 1861.	270
TENNESSEE.	<i>Convention with Confederate States. Union</i>	May, 1861.	902
.....	<i>Declaration. Independence. Dissolution of Union with United States</i>	May, 1861.	903
.....	<i>Ordinance. Adoption of Constitution of Provisional Government of Confederate States of America.</i>		
	<i>See also UNITED STATES.</i>	May, 1861.	903

	Page
TEXAS. <i>Ordinance. Dissolution of Union with United States of America.</i>	
Austin, 1st February, 1861.	897
<i>See also UNITED STATES.</i>	
THURINGIA. <i>Treaty with China, &c. Friendship. Commerce. Navigation</i> .....Tien-Tsin, 2nd September, 1861.	1248
TINTO RIVER. <i>Contract. Honduras and North American "Agricultural and Navigation Company." Navigation of River Tinto, &c.</i>	
Comayagua, 22nd February, 1859.	907
..... <i>Decree (Honduras). Promulgation of Do.</i>	
Comayagua, 20th February, 1860.	907
TREATIES, CONVENTIONS, &c., between GREAT BRITAIN and FOREIGN POWERS. <i>See GREAT BRITAIN.</i>	
TREATIES, CONVENTIONS, &c. between FOREIGN POWERS, viz. :—with	
..... <i>Argentine Confederation and Buenos Ayres. Treaty. Union</i> .....Paraná, 6th June, 1860.	904
..... <i>Austria and Saxony. Agreement. Extradition of Political and other Criminals.</i>	
Dresden, 28th December, 1854.	277
..... <i>Belgium and France. Treaty. Commerce.</i>	
Paris, 1st May, 1861.	698
..... <i>(Do.) Convention. Navigation.</i>	
Paris, 1st May, 1861.	735
..... <i>Belgium and Hanover. Convention. State Toll.</i>	
Hanover, 18th February, 1861.	844
..... <i>Belgium and Mexico. Treaty. Friendship. Commerce. Navigation.</i>	
Mexico, 20th July, 1861.	1148
..... <i>Belgium and Turkey. Treaty. Commerce. Navigation.</i>	
Constantinople, 10th October, 1861.	1156
..... <i>Brazil and France. Convention. Consular.</i>	
Rio de Janeiro, 10th December, 1860.	676
..... <i>Chile and France. Convention. Extradition.</i>	
Santiago, 11th April, 1860.	694
..... <i>China and France. Treaty. Friendship. Commerce. Navigation.</i>	
Tien-Tsin, 27th June, 1858.	637
<i>Separate Articles.</i>	
Tien-Tsin, 27th June, 1858.	651
<i>Tariff of Imports and Exports.</i>	654
<i>Commercial Regulations.</i>	
Tien-Tsin, 24th November, 1858.	662
..... <i>(Do.) Additional Convention. Peace.</i>	
<i>Friendship. Indemnities.</i>	
Pekin, 25th October, 1860.	668
..... <i>China and Prussia, &c. Treaty. Friendship. Commerce. Navigation.</i>	
Tien-Tsin, 2nd September, 1861.	1248
<i>Tariff of Imports and Exports.</i>	1258
<i>Commercial Regulations</i>	1266
..... <i>France and Monaco. Treaty. Cession of Mentone and Roquebrune to France.</i>	
Paris, 2nd February, 1861.	673

TREATIES, CONVENTIONS, &c., between FOREIGN POWERS, contd. viz. :—with	
..... <i>France and Sardinia. Convention. Boundaries.</i>	
Turin, 7th March, 1861.	685
..... <i>France and Switzerland. Declaration. Export of Salt.</i>	
Paris, 25th March, 1861.	683
..... <i>France and Turkey. Treaty. Commerce.</i>	
Constantinople, 29th April, 1861.	742
..... <i>Greece and Persia. Treaty. Friendship. Commerce. Navigation.</i>	
Constantinople, 18th October, 1861.	533
..... <i>Hanover and Austria, &c. Treaty. State Toll.</i>	
Hanover, 22nd June, 1861.	27
..... <i>Protocols.</i>	
Hanover, 22nd June, 1861.	32
..... <i>Hanover and United States. Treaty. State Toll.</i>	
Berlin, 6th November, 1861.	490
..... <i>Mexico and Spain. Treaty. Friendship.</i>	
Paris, 26th September, 1859.	926
..... <i>Mexico and Yucatan. Agreement. Re-incorporation of Yucatan with Mexico.</i>	
Mexico, 14th December, 1843.	1271
..... <i>Morocco and Spain. Treaty. Peace. Amity.</i>	
Tetuan, 26th April, 1860.	928
..... <i>Turkey and Austria, &c. Convention. Prolonged Occupation of Syria.</i>	
Paris, 19th March, 1861	9
TRIPOLI. Correspondence with Great Britain. Slave Trade.....	1860. 966
"TROPIC WIND." Judicial Decision. United States. Violation of Blockade.	
13th June, 1861.	207
TURKEY. Correspondence with Great Britain. Slave Trade	1860. 966
..... <i>Notification (British). Turkish Blockade of Albania.</i>	
London, 22nd April, 1861.	529
..... <i>Protocol of Conference between Great Britain, Austria, France, Prussia, Russia, and Turkey. Administration of the Lebanon.....</i>	Pera, 9th June, 1861. 287
..... <i>Protocols of Conferences with Great Britain, Austria, France, Prussia, Russia, and Turkey. Armed Intervention of European Powers. Restoration of Tranquillity in Syria</i>	Paris, August, 1860—May, 1861. 278
..... <i>of Meetings between Commissioners of Great Britain, Austria, France, Prussia, Russia, and Turkey. Disturbances in Syria.</i>	
Beyrout, October, 1860—May, 1861.	293
TREATIES &c., with FOREIGN POWERS, viz. :—with	
..... <i>Belgium. Treaty. Commerce. Navigation.</i>	
Constantinople, 10th October, 1861.	1156
..... <i>France. Treaty. Commerce.</i>	
Constantinople, 29th April, 1861.	742
..... <i>Great Britain. Convention. Telegraph between Malta and Alexandria.</i>	
Constantinople, 21st April, 1861.	5

.....	with Great Britain. <i>Civil War in United States. Proposed Recognition of the so-called Confederate States. Non-Reception by Great Britain of Commissioners from Southern States. Proceedings of Confederate Agents in Canada. Enlistment in Canada of Men to Serve in The United States' Army. Arbitrary Arrest of British Subjects (Messrs. Patrick and Rahming). Pursuit of Deserters from United States into Canadian Territory. Reception of Confederate Vessels in British Ports. Privateering. Blockade of Southern Ports. Neutrality of Great Britain. Non-admission of Armed Vessels or Privateers with Prizes into British Ports. Cases of the "Peerless," "Winifred," "Peter Marcy," "Tropic Wind," and "Sumter"</i>	1860—1862. 173
.....	with Netherlands. <i>Admission of Privateers of the so-called Confederate States into Dutch Colonial Ports. Case of the "Sumter"</i>	1861. 137
.....	with Yucatan. <i>Independence of Yucatan. Neutrality in War between United States and Mexico. Offer of Sovereignty of Yucatan to United States.</i>	1847, 1848. 1184
.....	<i>Declaration. Independence of the 13 United States of America.....</i>	4th July, 1776. 847
.....	(French). <i>Neutrality during Civil War in United States.</i>	Paris, 10th June, 1861. 1137
.....	(Tennessee). <i>Independence. Ordinance dissolving Federal Relation between State of Tennessee and United States of America.</i>	May, 1861. 903
	<i>See also ORDINANCE.</i>	
.....	<i>Decree (Spain). Neutrality during Civil War in United States</i>	Madrid, 7th June, 1861. 97
.....	<i>Letter (Great Britain). Neutrality in Civil War in North America.</i>	1st, May, 1861. 182.

	Page
UNITED STATES. <i>Letter (Great Britain.)</i> <i>Neutrality in Contest between United States and so-called Confederate States. Non-admission of Armed Vessels or Privateers with Prizes, into Ports of United Kingdom, or into British Colonial Ports.</i>	
	1st June, 1861. 196
Do. Do. ....31st January, 1862.	265
..... <i>Judicial Decision. Case of the "Tropic Wind." Violation of Blockade....</i>	13th June, 1861. 207
..... <i>Message of President. State of Yucatan.</i>	
	Washington, 29th April, 1848. 1225
..... Do. <i>Capture of the Slaver "Wildfire," off Coast of Cuba, by "Mohawk."</i>	
	Washington, 19th May, 1860. 1085
..... Do. <i>Opening of Congress.</i>	
	Washington, 3rd December, 1861. 1313
..... <i>Ordinance (Alabama). Dissolution of Union between State of Alabama and other States, united under the Compact, entitled "The Constitution of The United States of America."</i>	
	Montgomery, 11th January, 1861. 895
..... (Arkansas). <i>Dissolution of Union between State of Arkansas and other States united under the Compact, entitled "The Constitution of The United States of America."</i>	6th May, 1861. 900
..... (Florida). <i>Dissolution of Union between the State of Florida and other States united under the Compact, entitled "The Constitution of The United States of America."</i>	
	Tallahassee, 7th January, 1861. 893
..... (Georgia). <i>Dissolution of Union between the State of Georgia and other States united under the Compact, entitled "The Constitution of The United States of America."</i>	
	Milledgeville, 19th January, 1861. 896
..... (Louisiana). <i>Dissolution of Union between State of Louisiana and other States united under the Compact, entitled "The Constitution of The United States of America."</i>	
	Baton Rouge, 26th January, 1861. 896

- Jackson, 9th January, 1861. 894
 (North Carolina). *Dissolution of Union between State of North Carolina and other States, united under the Compact, entitled "The Constitution of The United States of America."*

- Raleigh, 20th May, 1861. 901
 (Do.) *Adoption of Constitution of Provisional Government of Confederate States of America.*

- Raleigh, 20th May, 1861. 902
 (South Carolina.) *Dissolution of Union between State of South Carolina, and other States, united under the Compact, entitled "The Constitution of The United States of America."*

- Columbia, 20th December, 1860. 893
 (Tennessee.) *Adoption of Constitution of Provisional Government of Confederate States of America.*

May, 1861. 903
See also CONVENTION. DECLARATION.

- (Texas). *Dissolution of Union between State of Texas and other States, united under the Compact, entitled "The Constitution of The United States of America."*
 Austin, 1st February, 1861. 897

- (Virginia). *Repeal of Ratification of Constitution of The United States of America, by State of Virginia. Resumption of Rights and Powers granted under said Constitution.*

Richmond, 17th April, 1861. 898
See also CONVENTION.

- Proclamation of President. *Calling out Militia to suppress Combinations in certain States of the Union (South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas).*

- Washington, 15th April, 1861. 268
 of President (Confederate States). *Letters of Marque* 17th April, 1861. 183

	Page
UNITED STATES. <i>Proclamation of President. Blockade of Ports of Confederates (South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas) ...</i>	19th April, 1861. 185
..... of Do. <i>Blockade of Ports of Virginia and North Carolina.</i>	
..... Washington, 27th April, 1861.	269
..... of Do. <i>Prohibition of Commercial Inter- course with Seceded States (Georgia, South Carolina, Virginia, North Caro- lina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Flo- rida)</i>	16th August, 1861. 234
..... (British). <i>Neutrality in Contest between United States and so-called Confederate States of America.</i>	
..... London, 13th May, 1861.	165
..... (Hawaiian Islands). <i>Neutrality in War between United States and so- called Confederate States.</i>	
..... Kialua, 26th August, 1861.	136
..... Resolution of Congress of Confederate States. <i>Defining Position of Confederate States in respect to certain Points of Maritime Law.</i>	
..... 13th August, 1861.	257
..... TREATIES, &c. with FOREIGN POWERS, viz. :—with	
..... Hanover. <i>Treaty. Abolition of Stale or Brunshausen Dues.</i>	
..... Berlin, 6th November; 1861.	490
..... TREATIES, &c. with NATIONS and TRIBES OF INDIANS, viz. :—	
..... Arapahoes. <i>Treaty. Cession.</i>	
..... Fort Wise, 18th February, 1861.	500
..... Cheyennes. <i>Treaty. Cession.</i>	
..... Fort Wise, 18th February, 1861.	500
..... Delawares. <i>Treaty. Division of Lands.</i>	
..... Sarcoxieville, 30th May, 1860.	493
..... Do. <i>Treaty. Construction of Railway.</i>	
..... Leavenworth, 2nd July, 1861.	507
..... Pottawatomies. <i>Treaty. Cession.</i>	
..... Pottawatomie, 15th November, 1861.	517
..... Sioux. <i>Resolutions. Right and Title of Sioux Indians to Lands on Min- nesota River ...</i>	27th June, 1860. 499
URUGUAY. <i>Message of President. Opening of Chambers.</i>	
..... Monte Video, 15th February, 1860.	1300

V.

VENEZUELA. <i>Message of Vice-President. Opening of Congress.</i>	
..... Caracas, 12th April, 1860.	1305

	Page
VIRGINIA. <i>Convention with Confederate States. Union.</i>	
Richmond, 24th April, 1861.	899
..... <i>Ordinance. Dissolution of Union with United States of America</i>	
Richmond, 17th April, 1861.	898
..... <i>Proclamation (United States). Blockade of Ports of Virginia.</i>	
Washington, 27th April, 1861.	269

W.

WALDECK AND PYRMONT. <i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	
Tien-Tsin, 2nd September, 1861.	1248
WAR. <i>See CIVIL WAR. MARITIME RIGHTS.</i>	
"WILDFIRE." <i>Message. (United States). Capture of Slaver "Wildfire" on Coast of Cuba.</i>	
Washington, 19th May, 1860.	1085
"WINIFRED." <i>Correspondence. Great Britain and United States. Case of the "Winifred".....</i>	
1860—1862.	173
WURTEMBERG. <i>Treaty with China, &c. Friendship. Commerce. Navigation.....</i>	
Tien-Tsin, 2nd September, 1861.	1248

Y.

YUCATAN. <i>Address of Congress to the People. Constitution of 1841.</i>	
Merida, 31st March, 1841.	1111
..... <i>Agreement with Mexico. Re-Incorporation of Yucatan with Mexican Republic.</i>	
Mexico, 14th December, 1843.	1271
..... <i>Constitution of the State</i>	
Merida, 31st March, 1841.	1113
..... <i>Correspondence with The United States. Independence of Yucatan. Neutrality of that State in War between The United States and Mexico. Offer of Sovereignty of Yucatan to United States</i>	
1847, 1848.	1184
..... <i>Decree. Powers of Government.</i>	
Mexicanu, 14th January, 1848.	1218
..... <i>(Mexico). Promulgation of Agreement of December 14th, 1843. Re-Incorporation of Yucatan with Mexico and Republic.</i>	
Mexico, 15th December, 1843.	1271
..... <i>Message of Provisional Governor. Installation of Extraordinary Assembly</i>	
Ticul, 24th May, 1847.	1128
..... <i>(United States). State of Yucatan.</i>	
Washington, 29th April, 1848.	1225

Z.

ZANZIBAR. <i>Correspondence with Great Britain. Slave Trade.....</i>	1860 965
ZOLLVERKIN. <i>Treaty with China, &c. Friendship. Commerce. Navigation.</i>	
Tien-Tsin, 2nd September, 1861.	1248

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